

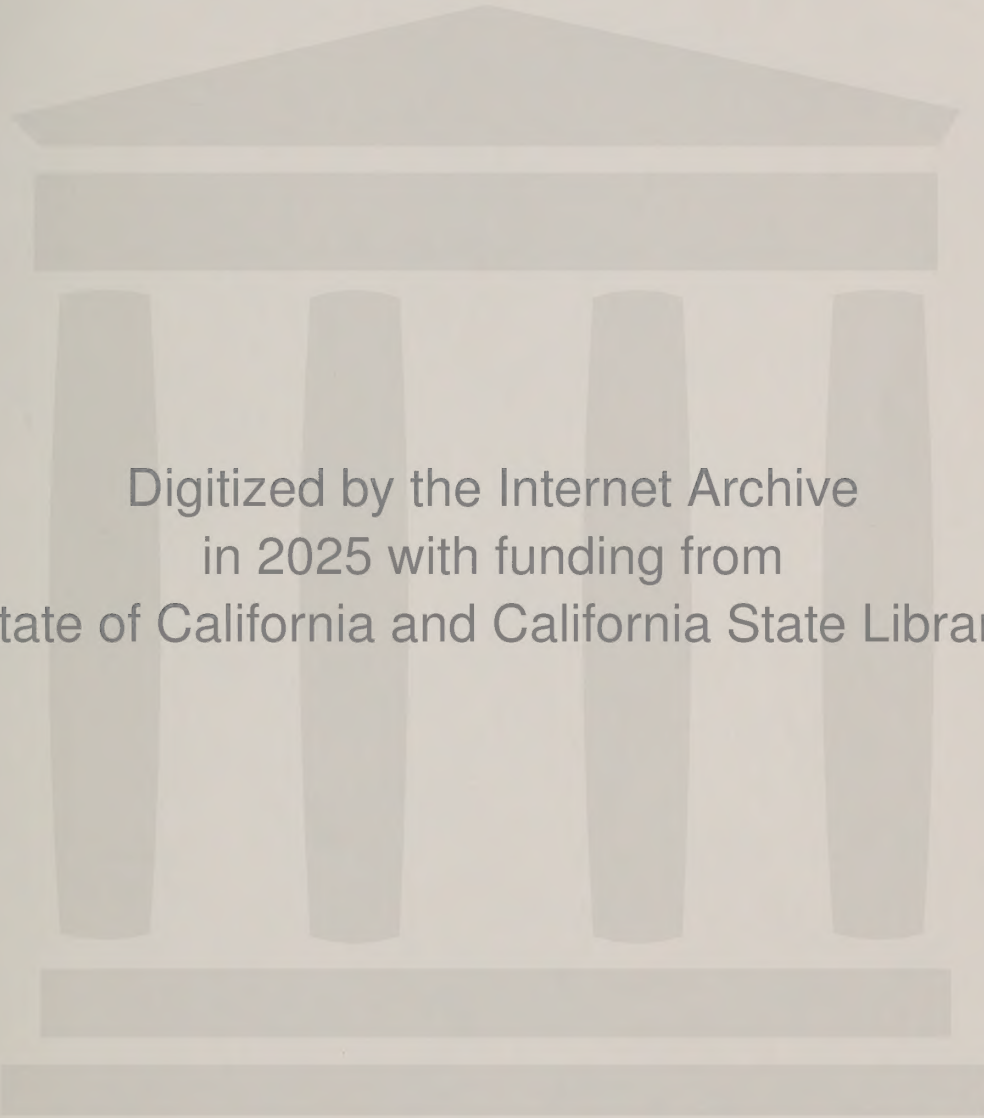
94 01109

94 01109

INSTITUTE OF GOVERNMENTAL
STUDIES LIBRARY

DEC 21 1994

UNIVERSITY OF CALIFORNIA



Digitized by the Internet Archive
in 2025 with funding from
State of California and California State Library

<https://archive.org/details/C124886703>

Buch. Blue.
Cat. for Environ.
Design. Libr.

**SAN FRANCISCO BAY AREA
RAPID TRANSIT DISTRICT ACT**

and

OTHER IMPORTANT STATUTES

SAN FRANCISCO BAY AREA
RAPID TRANSIT DISTRICT
ACT
and Other Important Statutes

- I. TABLE OF CONTENTS
- II. ACT
- III. TUBE PROVISIONS
- IV. GENERAL INDEX

(Corrected for changes made
through and including Chapters
2, 7 and 130, Statutes of 1966,
1st Extra Session.)

(Reproduced by San Francisco Bay Area Rapid
Transit District, January 3, 1966, as revised
September 26, 1966.)

Environ. Design
Lebray

I. TABLE OF CONTENTSPage

1-79

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT ACT
(Public Utilities Code)

CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

28500	Short title	1
28501	Policy	
28502	Construction	2
28502.1	Construction	
28503	"District"	
28504	"San Francisco Bay area"	
28505	"Rapid transit"	
28506	"Taxable property"	
28507	"Board of supervisors"	
28508	"Board," etc.	
28509	"Public agency"	

CHAPTER 2. CREATION OF DISTRICT

28600	District	3
28601	Withdrawal	
28602	Annexation	

CHAPTER 3. GOVERNMENT OF DISTRICT

Article 1. City Selection Committees

28700	City selection committee	4
28701	Quorum	
28702	San Francisco	
28703	Board of Directors	
28704	Notice	
28705	Meetings	5
28706	Officers	
28707	Expenses	

Article 2. District Board of Directors: Creation, Membership and Organization

28730	Board of Directors	5
28731	Qualifications	
28731.5	Supervisors and Councilmen eligible	
28732	Board of Directors: Initial composition	
28733	Same: Subsequent composition	6
28734	Population	
28735	Date of appointment: Board of Supervisors	7

Article 2. Continued

28736	Same: City selection committee	7
28737	Term	
28738	Appointment by resolution	8
28739	Vacancy	
28740	Salaried office	
28741	Compensation	
28742	Initial meeting	9

Article 3. Powers and Duties of Directors

28760	Oath of office	9
28761	Officers	
28762	Powers and duties	
28763	Necessary acts	
28764	Transit facilities: acquisition or construction; zones	
28765	Transit facilities: common benefit; zones	10
28766	Transit facilities: fixing of rates; establishment of schedules	
28767	Personnel: positions and salaries	
28768	Contracting for professional services	
28769	Annual audit	
28770	Annual financial report	
28771	Payment of demands	11
28772	Administration of funds	
28773	Public hearings	
28774	Oaths	

Article 4. Meetings and Legislation

28790	Public meetings	11
28791	Quorum	
28792	Rules	12
28793	Procedure	
28794	Ordinances	
28795	Enacting clause	
28796	Form	

Article 5. Officers

28810	Officers	12
28811	Appointment and removal	13
28812	Compensation	
28813	Office consolidation	
28814	Oath of office	
28815	Bond	
28816	Financial interest	

Article 5.	<u>Officers</u> (continued)	<u>Page</u>
28817	Treasurer	14
28818	Deposit of District's securities	
28819	Repealed	

Article 6.	<u>General Manager</u>	
28830	General Manager	14
28831	Qualifications	15
28832	Residence	
28833	Removal	
28834	Powers and duties	
28835	Duties at Board meetings	16
28836	Manager pro tempore	

CHAPTER 4.	LABOR PROVISIONS	
28850	Labor organization	17
28851	Public hearing	
28852	Employees of acquired utility	18
28853	Same: pension plan	
28854	Same	
28855	Same	19

CHAPTER 5. RETIREMENT SYSTEM

Article 1.	<u>Establishment</u>	
28870	Retirement system	20
28871	Method	
28872	Actuarial report	
28873	Initiation, maintenance, etc.	
28874	State Employees' Retirement System	
28875	Classification	

Article 2.	<u>Benefits and Contributions</u>	
28890	Terms and conditions	21
28891	"Prior service"	
28892	Contribution	
28893	Collection	
28894	Liabilities	
28895	Withdrawal	22
28896	Exemption from execution, attachment, etc.	

Article 3.	<u>Retirement Board</u>	
28910	Retirement board	22
28911	Compensation	
28912	Determination of eligibility	
28913	Funds	23

CHAPTER 6. POWERS AND FUNCTIONS OF DISTRICT

	<u>Page</u>
Article 1. <u>Corporate Power</u>	
28950 Seal	24
28951 Suit	
28952 Tax levy	
28953 Eminent domain	
28954 Same: Resolution	
28955 Eminent domain: Public utility	25
28956 Reservation or grant	
28957 Merger or consolidation	
28958 Budgetary control	26
Article 2. <u>Contracts</u>	
28970 Contracts	26
28971 Public or private organizations	
28972 Repealed	
28973 Insurance: accident	
28974 Same: loss of revenue	
28975 Same: liability or property damage	
Article 3. <u>Purchases</u>	
28990 Bids	27
28991 Purchase on open market	
28992 Public calamity	
Article 4. <u>Property</u>	
29010 Acquisition	27
29011 Records, books, etc.	28
Article 5. <u>Rapid Transit Facilities and Service</u>	
29030 Rapid transit system	28
29031 Acquisition, etc.	
29032 Lease or contract	
29033 Construction, operation, etc.	
29034 Agreements	29
29035 Feeder services	
29036 Routes, etc.	
29037 City transit facilities	
29038 Rates and charges	
29039 Hearing	30
29040 Notice	
29041 Intervention	
29042 Evidence	
29043 Same	
29044 Record	31
29045 Decision	
29046 Write of mandate	
29047 Safety requirements	32

Article 6.	<u>Claims</u>		<u>Page</u>
	29060	Claim for damages	32
	29061	Contents	
	29062	Condition precedent	
Article 7.	<u>Indebtedness</u>		
	29080	Loans	32
	29081	Public agency aid	33
Article 8.	<u>Investments</u>		
	29100	Surplus money: investment	33
	29101	Direct purchase	34
	29102	Reinvestment	
	29103	Sale	
Article 9.	<u>Relocation Assistance</u>	(Secs. 29110-29117)	34 and 34a
CHAPTER 7.	TAXATION		
	29120	Taxes	35
	29121	Annual levy and collection	
	29122	Same: Interest, principal, etc.	
	29123	Tax rate	
	29124	County assessment and collection	36
	29125	Valuation	
	29126	Designation of rate	
	29126.1	Tax rate: Fraction of a cent	
	29127	Transmission	
	29128	Procedure	
	29129	Tax sale	37
	29130	Compensation	
	29131	Lien	
CHAPTER 8.	BONDS AND OTHER EVIDENCES OF INDEBTEDNESS		
Article 1.	<u>Authorization of General Obligation Bonds</u>		
	29150	Limitation on bonded debt	38
	29151	Development of project plans	
	29152	Engineering and financial reports	
	29153	Determination of amount of bond issue	39
	29154	Reference of reports to supervisors	
	29155	Public hearing	
	29156	Approval by supervisors	
	29157	Additional studies: Withdrawal from District	
	29158	Special election	40
	29159	Election resolution	
	29160	Repayment of appropriations to Rapid Transit Commission	41
	29161	Separate or consolidated election	

Article 1. Authorization of General Obligation Bonds (continued)

	<u>Page</u>
29162 Specification of precincts	42
29163 Publication of notice	43
29164 Expenses	44
29165 Irregularity, omission, etc.	
29166 Election results	
29167 Voter qualifications	45
29168 Alternative indebtedness	

Article 2. Form and Terms of General Obligation Bonds

29169 Resolution	45
29170 Issuance	46
29171 Coupon bonds	
29172 Registered bonds	
29173 Interest	
29174 Redemption	47
29175 Place of payment	
29176 Dates	
29177 Special or sinking fund	
29178 Maturity	
29179 Series	
29180 Form	
29181 Interim bonds	48
29182 Interest payment	
29183 Payment by taxes	49
29184 Legal investments	

Article 3. Issuance and Sale of General Obligation Bonds

29200 Resolution	49
29201 Notice by Publication	50
29202 Contents	

Article 4. Refunding Bonds

29210 Conditions	50
29211 Refund indebtedness	
29212 Issuance and sale	51
29213 Effect	
29214 Proceeds	
29215 Surplus proceeds	
29216 Taxes	
29217 Maturity	
29218 Tax proceeds	52
29219 Principal amount	
29220 Redemption	
29221 Notice of redemption	53
29222 Cancellation	
29223 Record	
29224 Surplus money	
29225 Refunding	54

Article 5.	<u>Temporary Borrowing</u>	<u>Page</u>
	29230 Interim borrowing	54
	29231 County loan	
	29232 Payments by county treasurers	
	29233 Alternate method	55
	29234 Borrowing	
Article 6.	<u>Revenue Bonds</u>	
	29240 Revenue bonds	55
	29241 Local agency	56
Article 7.	<u>Equipment Trust Certificates</u>	
	29250 Equipment purchases: Trust certifi- cates	56
	29251 Sale, lease, etc.	57
	29252 Acknowledgment	
	29253 Contents	
	29254 Notice	58
Article 8.	<u>Special Assessment Bonds</u>	
	29260 Special assessment proceedings	58
	29261 Exceptions	
	29262 Non-applicability of Majority Protest Act	
Article 9.	<u>Reissuance of Bonds, Notes, Coupon or Other Evidence of Indebtedness, Lost, Destroyed, Defaced or Mutilated</u>	
	29270 Reissuance: Loss, etc.	59
	29271 Same: Destruction, etc.	
Article 10.	<u>Past Due Bonds</u>	
	29280 Endorsement	59
	29281 Notice	
	29282 Payment	60
Article 11.	<u>General Provisions</u>	
	29290 Tax exemption	60
	29291 Determining validity	
	29292 Liability for action	

CHAPTER 9. ANNEXATION OF COUNTIES

Article 1.	<u>Annexation Agreement</u>	<u>Page</u>
	29500 Annexation	62
	29501 Agreement: Contents	
	29502 Reimbursement	
	29503 Alternative method petition	
	29504 Proceedings on petition	63
Article 2.	<u>Approval by District</u>	
	29520 District ordinance	63
	29521 Hearing	
	29522 Objections	
	29523 Failure to show cause	
	29524 Adjournment	64
	29525 Approval	
	29526 Filing	
Article 3.	<u>Approval by County</u>	
	29540 County approval	64
	29541 Election	
	29542 Ballots	65
	29543 Canvass	
	29544 Disapproval	
	29545 Approval	
Article 4.	<u>Establishment of Annexation</u>	
	29560 Resolution declaring annexation	65
Article 5.	<u>Effect of Annexation</u>	
	29570 Effect	66
Article 6.	<u>Contest of Annexation</u>	
	29580 Limitation of action	66
CHAPTER 10. WITHDRAWAL FROM DISTRICT		
	29650 Withdrawal	67
	29650.1 Additional grounds for withdrawal	
	29651 Resolution	
	29652 Effective date of withdrawal	
	29653 Financial obligations	
	29654 Reannexation	

CHAPTER 10.5. SPECIAL SERVICE DISTRICTS

	<u>Page</u>
Article 1. <u>Proposal of Formation</u>	
29660 Creation of districts: Territories includible	68
29661 Creation by resolution	
29662 Creation by petition	
29663 Contents of petition	69
29664 Examination of petition by District Secretary	
29665 Inapplicable Government Code provisions	
29666 Lack of jurisdiction over withdrawn territory	
Article 2. <u>Hearing</u>	
29670 Fixing time and place for hearing	70
29671 Publication of notice of hearing	
29672 Time for hearing	
29673 Filing objections: Continuance of hearing	
29674 Resolution of approval and calling election	
Article 3. <u>Election</u>	
29680 Purpose of election	71
29681 Time for election	
29682 Contents of ballot	
29683 Persons entitled to vote: Consolidation with other elections	
29684 Costs of election	
29685 Canvass of vote	
Article 4. <u>Taxing Subdivision</u>	
29690 Tax status of Special Service Dis- trict	72
Article 5. <u>Bond Election</u>	
29700 Authorized purposes	72
29701 Elections at which bond proposition may be submitted	
29702 Bond election procedure	
29703 Requisite favorable vote	73
29704 Manner in which taxes to be levied	
29705 District and bond validation proceedings	

Article 6.	<u>Annexation</u>	<u>Page</u>
29710	Division of city prohibited	73
29711	Annexation resolution: Contents	
29712	Annexation election: When no election to be held	74
29713	Petition for election: Matters includible	
29714	Examination of petition by District Secretary	
29715	Terms and conditions for annexation	
29716	Notice of hearing on annexation	75
29717	Time of hearing	
29718	Hearing on objections to annexation	
29719	Continuance of hearing: Procedure when no protests filed, etc.	
29719.5	Termination of proceedings	
29720	Completion of annexation when no protests filed	
29721	Time for calling election: Permissible consolidation of elections	
29722	Ballot: Contents and provisions	76
29723	Persons entitled to vote: Consolidation	
29724	Costs of election	
29725	Canvass of election results	
29726	Procedure to complete annexation	
29727	District objections to annexation	77
Article 7.	<u>Dissolution</u>	
29740	Dissolution when bond issue fails to carry: Subsequent proceedings	77
CHAPTER 11.	<u>DISSOLUTION</u>	
29750	Dissolution	78
29751	Election	
29752	Publication of notice	
29753	Instructions	
29754	Notice and ballots	
29755	Disapproval	79
29756	Approval	
29757	Subsequent election	

STREETS AND HIGHWAYS CODE

	<u>Page</u>
Article 5. <u>San Francisco-Oakland Rapid Transit Tube</u>	
30770 Legislative declaration	80
30771 Definitions	
30772 Engineering work, rapid transit tube	81
30773 Recommendation of District	82
30774 Federal permission	
30775 Issuance of revenue bonds	
30775.5 Agreement re: Engineering and construction	83
30776 Use of tube	
30777 Authorization	84
30778 Pledge of tolls for construction of tube	
30779 Tube precedes additional crossings	86
30780 Repairs, maintenance, etc.	
30781 Legislative declaration	
30782 Compensation for San Francisco Port Authority	87
GENERAL INDEX to Act	88-102
GENERAL INDEX to Tube Provisions	103

II. SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT ACT

(Part 2 of Division 10 of the Public Utilities Code, as originally added by Chapter 1056, Statutes of 1957)

CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

28500. This part is known and may be cited as the "San Francisco Bay Area Rapid Transit District Act." Short title

28501. This part is in furtherance of the declared policy of the State to stimulate the maximum use of the harbor in San Francisco Bay in order to foster and develop international and other trade for the benefit of the entire State. Policy

The geographical situation of San Francisco Bay, which makes it one of the finest harbors in the world, at the same time prevents the full utilization of the harbor by acting as a physical barrier to a system of rapid and effective transportation between the various portions of the metropolitan area surrounding the Bay.

Only a specially created district can freely operate in the eighty-four (84) individual units of county, city and county, and city governments located in this area. Because of the unique problems presented by the area it is necessary that this legislation be applicable solely to such area to insure necessary rapid transit service.

Extensive studies and surveys have been made at considerable cost in public funds to determine whether or not interurban mass rapid transit would be a feasible instrument for reducing existing and future interurban travel problems and for relieving existing and future traffic congestion on freeways, streets and highways. These surveys have produced convincing evidence that the prosperity of the entire Bay area will depend upon the preservation and enhancement of its urban centers and subcenters; and that sustaining these centers and as concentrations of employment, commerce, and culture, in turn will depend upon providing an adequate, modern, interurban mass rapid transit system.

The studies have also established that to provide a standard of service which will meet the needs of the public, the interurban system must be effectively separated from conflicting traffic either by grade separation

of intersecting streets, roads, and highways, or by other equally effective means; and, to the extent practicable, its service must be coordinated with that of other transit facilities in the areas served.

28502. The part shall be liberally construed to carry out the objects and purposes and the declared policy of the State of California as in this part set forth.

Construction

28502.1. Unless the context otherwise requires, the provisions of this chapter govern the construction of this part.

28503. "District" as used in this part, means the San Francisco Bay Area Rapid Transit District.

"District"

28504. "San Francisco Bay area" as used in this part, means the Counties of San Francisco, Marin, Sonoma, Napa, Solano, Contra Costa, Alameda, Santa Clara and San Mateo.

"San Francisco Bay area"

28505. "Rapid transit," as used in this part, means the transportation of passengers and their incidental baggage by any means.

"Rapid transit"

28506. For the purpose of establishing the bonded debt limit of the district, "taxable property," as used in this part, shall not include solvent credits.

"Taxable property"

28507. "Board of supervisors," as used in this part, means the board of supervisors of a county in the San Francisco Bay area.

"Board of supervisors"

28508. "Board of directors," "board," or "directors," as used in this part, means the board of directors of the district.

"Board," etc.

28509. "Public agency," as used in this part, includes the State of California, and any county, city and county, city, district, or other political subdivision or public entity of, or organized under the laws of, this State.

"Public agency"

CHAPTER 2. CREATION OF DISTRICT

28600. There is hereby created the San Francisco Bay Area Rapid Transit District, comprising the territory lying within the boundaries of the Counties of Alameda, Contra Costa, Marin, San Francisco, and San Mateo.

District

28601. Through compliance with the provisions for withdrawal set forth in Chapter 10 of this part, the territory of any of the Counties of Alameda, Contra Costa, Marin, San Francisco, and San Mateo may be withdrawn from the district.

Withdrawal

28602. Through compliance with the provisions for annexation set forth in Chapter 9 of this part, the territory of all or any of the Counties of Napa, Santa Clara, Solano, or Sonoma may be included within the district.

Annexation

CHAPTER 3. GOVERNMENT OF DISTRICT

Article 1. City Selection Committees

28700. There shall be a separate and distinct city selection committee for each county within the district. The membership of each such committee shall consist of the mayor of each incorporated city or town within such county, or, where there is no mayor, the chairman or president of the city council of each such city.

City
selection
committee

28701. A majority of the members of each city selection committee shall constitute a quorum.

Quorum

28702. The City and County of San Francisco is both a city and a county for the purpose of this part.

San
Francisco

28703. The city selection committee of each county shall meet on October 28, 1957, at 10 a. m., in the chambers of the board of supervisors of such county for the purpose of making the first appointments to the board of directors of the district, in accordance with Section 28736. Whenever thereafter a vacancy to be filled by the city selection committee of a county occurs on the board of directors of the district, the city selection committee of that county shall meet within thirty (30) days following the occurrence to appoint a director to fill the vacancy. The chairman of the city selection committee shall determine promptly the time and place of the meeting and shall so inform the county clerk of the county that the committee represents. Whenever there shall not be a quorum present at a meeting of any city selection committee, the meeting shall be adjourned to a subsequent time and place as determined by a majority of the members present.

Board of
Directors

28704. At least two weeks prior to the date of each meeting the county clerk of each county shall give notice of the meeting to each member of the city selection committee of such county. The county clerk shall also give reasonable notice to each member of the city selection committee of the time and place of any adjourned meeting.

Notice

28705. All meetings of the city selection committee of each county shall be conducted in the presence of the county clerk, or his deputy, who shall act as the recording officer for the meetings.

Meetings

The county clerk shall forward the copies of the resolutions and the notices of appointment required to be forwarded by Section 28738 to the Secretary of State and to the secretary of the board of directors of the district. Each resolution and notice shall be signed by the chairman of the committee.

28706. Each committee shall appoint from among its members a chairman and such other officers as may be necessary.

Officers

28707. Members of the committee shall serve without compensation, but may be allowed actual expenses incurred in the discharge of their duties as may be authorized by the board of directors.

Expenses

Article 2. District Board of Directors:
Creation, Membership and Organization

28730. The government of the district shall be vested in a board of directors.

Board of
Directors

28731. All members of the board of directors shall be selected in accordance with this article and each member shall be a resident and registered voter of the county from which appointed.

Qualifi-
cations

28731.5. A member of the board of supervisors of, or a mayor or member of the city council of any city within, any county in the district may be appointed to and serve contemporaneously as a member of the board of directors.

Supervisors
and Council-
men eligible

28732. The first board of directors shall be composed of sixteen (16) directors as follows: four (4) representatives of the County of Alameda, two (2) appointed by the board of supervisors of the county and two (2) appointed by the city selection committee of the county; four (4) representatives of the County of San Francisco, two (2) appointed by the board of supervisors of the county and two (2) appointed by the city

Board of
Directors:
Initial com-
position

selection committee of the county; three (3) representatives of the County of Contra Costa, two (2) appointed by the board of supervisors of the county and one (1) appointed by the city selection committee of the county; three (3) representatives of the County of San Mateo, two (2) appointed by the board of supervisors of the county and one (1) appointed by the city selection committee of the county; and two (2) representatives of the County of Marin, one (1) appointed by the board of supervisors of the county and one (1) appointed by the city selection committee of the county.

28733. Subsequent to the appointment of the first board of directors the number of directors composing the board shall be determined as follows:

Same: Subsequent composition

(a) Each county within the district having a population of 350,000 or less shall be represented by two (2) directors, one (1) appointed by the board of supervisors of the county and one (1) appointed by the city selection committee of the county;

(b) Each county having a population of more than 350,000 and not more than [1] 500,000 shall be represented by three (3) directors, two (2) appointed by the board of supervisors of the county and one (1) appointed by the city selection of the county;

(c) Each county having a population of more than [2] 500,000 shall be represented by four (4) directors, two (2) appointed by the board of supervisors of the county and two (2) appointed by the city selection committee of the county.

In any case where the number of directors representing a county is thus decreased all directors then in office representing the county shall be permitted to serve out the terms for which they were appointed. [Amended by Stats 1965 ch 1683 § 1.]

1. Deleted: "600,000"
2. Deleted: "600,000"

28734. For the purpose of Section 28733, population shall be determined on the basis of the last official United States Decennial Census.

Population

If between official United States censuses the board determines that the population of any county within the district has changed sufficiently to warrant adjustment in the number of directors representing that county, the board may determine the number of directors to represent that county on the basis of population estimates prepared by the State Department of Finance; provided, however, that changes in the number of directors composing the board, if determined on the basis of population estimates, shall not be made more frequently than once each four years.

28735. On or before November 15, 1957, the board of supervisors of each county whose territory is within the district shall appoint as members of the first board of directors of the district the number to be appointed by it under Section 28732.

Date of appointment:
Board of supervisors

If any county not included within the district on October 28, 1957, thereafter becomes a part of the district, the board of supervisors of the county shall, within thirty (30) days after the county is included within the district, appoint as members of the board of directors of the district the number authorized by Section 28733 to be appointed by it.

28736. On or before November 15, 1957, the city selection committee of each county within the district shall appoint as members of the first board of directors of the district the number to be appointed by it under Section 28732.

Same:
City selection committee

If any county not included within the district on October 28, 1957, thereafter becomes a part of the district, the city selection committee of the county shall, within thirty (30) days after the county is included within the district, appoint as members of the board of directors of the district the number authorized by Section 28733 to be appointed by it.

28737. The directors shall be appointed for a term of four (4) years from and after their appointment and until their respective successors shall be duly appointed and qualified; provided that the members of the first board shall classify themselves by lot so that five (5)

Term

of the directors shall hold office for two (2) years, five (5) of the directors shall hold office for three (3) years, and six (6) of the directors shall hold office for four (4) years, at the end of which terms their successors shall be appointed. The city selection committee or board of supervisors that originally appointed a director whose term has expired shall appoint his successor for a full four (4) year term.

28738. Each director appointed by a board of supervisors shall be appointed by a resolution adopted by that board.

Appointment
by resolution

Each director appointed by a city selection committee shall be appointed by a resolution adopted by that committee.

Certified copies of resolution adopted pursuant to this section, together with notices of appointments made thereby, shall be forwarded without delay to the Secretary of State and to the secretary of the district.

28739. Any vacancy in the board of directors shall be filled for the unexpired term by appointment by the body which originally made the appointment to the office in which the vacancy exists, in the manner provided in this part.

Vacancy

28740. Except as provided in Section 28761 of this part, no person serving as a director shall be eligible for appointment to any salaried office or employment in the service of the district nor shall he become eligible for such appointment within one (1) year after he has ceased to be a director.

Salaried
office

28741. Each director shall be paid the sum of fifty dollars (\$50) for each district meeting that he attends, whether a full board meeting or a meeting of a committee of the board, but he shall not be paid more than two hundred fifty dollars (\$250) in any one calender month, nor shall he be paid for more than one meeting which he attends on the same day. Each director shall be allowed such necessary traveling and personal expenses incurred in the performance of his duties as may be authorized by the board of directors.
[Amended by Stats 1965 ch 311 § 1.]

Compensation

28742. Within ten (10) days after the Secretary of State has received certified copies of the resolutions appointing a majority of the directors, he shall call the first meeting of the board of directors at an appropriate time within twenty (20) days thereafter. The meeting shall be held in any city within the district designated by the Secretary of State.

Initial
meeting

Article 3. Powers and Duties of
Directors

28760. Each director, before entering upon the duties of his office, shall take the oath of office as provided for in the Constitution and laws of this State. A copy of the oath shall be filed with the secretary of the district and the Secretary of State.

Oath of
office

28761. The board shall choose one of its members president, and another vice president, who shall be authorized to act for the president during his absence or disability. The board shall choose a secretary, who shall not be a member of the board, and shall provide for the time and place of holding its meetings which shall be held at least once each month. The president shall be paid a salary of five thousand dollars (\$5,000) per year. The vice president shall be paid a salary of three thousand dollars (\$3,000) per year. Such salaries shall be in addition to any payments authorized under Section 28741 of this part.

Officers

28762. The board of directors is the legislative body of the district and, consistent with the provisions of this part, shall determine all questions of district policy.

Powers
and duties

28763. The district may do any and all things necessary to carry out the purposes of this part.

Necessary
acts

28764. The board shall determine what transit facilities should be acquired or constructed, and may establish zones within the district to undertake the acquisition or construction of any transit facilities.

Transit
facilities:
acquisition
or construc-
tion; zones

28765. The board may determine what transit facilities should be acquired or constructed:

(a) For the common benefit of the district as a whole; or

(b) For the benefit of two or more zones; or

(c) For the benefit of a single zone.

Transit
facilities:
common
benefit;
zones

28766. The board shall supervise and regulate every transit facility owned and operated by the district, including the fixing of rates, rentals, charges, and classifications, and the making and enforcement of rules, regulations, contracts, practices, and schedules, for or in connection with any transit facility owned or controlled by the district.

Transit
facilities:
fixing of
rates; es-
tablishment
of schedules

28767. The board may adopt a personnel system for the purpose of recruiting and maintaining an effective working force with good morale. The board shall by resolution determine and create such number and character of positions as are necessary properly to carry on the functions of the district and shall establish an appropriate salary, salary range, or wage for each position so created. The board may by resolution abolish any such position. Except as otherwise provided, appointments to such positions shall be made by the general manager.

Personnel:
positions
and
salaries

28768. The board of directors may contract for or employ any professional services required by the district or for the performance of work or services for the district which, in the board of directors' opinion, cannot satisfactorily be performed by the officers or employees of the district.

Contracting
for profes-
sional
services

28769. The board shall have an annual audit made of all books and accounts of the district by an independent certified public accountant or public accountant.

Annual
audit

28770. As soon as practicable after the close of each fiscal year the board of directors shall submit to the chief administrative officer and legislative bodies of cities and counties within the district a financial report showing

Annual
financial
report

the result of operations during the preceding fiscal year and the financial status of the district on the final day thereof. Copies of the report shall be supplied to the general public upon request in the quantity deemed appropriate by the board.

28771. The board may provide by resolution, under such terms and conditions as it sees fit, for the payment of demands against the district without prior specific approval thereof by the board if the demand is for a purpose for which an expenditure has been previously approved by the board and in an amount no greater than the amount so authorized, and if the demand is approved by the general manager.

Payment
of demands

28772. To facilitate the business of the district, the board may provide for the creation and administration of such funds as the needs of the district may require. The funds shall be disbursed in accordance with rules established by the board and all payments from any fund shall be reported to the board.

Administra-
tion of
funds

28773. The board of directors may hold public hearings, subpoena witnesses, and perform all other acts necessary to properly carry out its duties. The board may delegate such authority to other officers of the district who shall report thereon to the board. In the case of public hearings, including those pursuant to Sections 29039 to 29046, inclusive, authority may be so delegated to a referee, who need not be an officer of the district. [Amended by Stats 1965 ch 311 § 2.]

Public
hearings

28774. Each director may administer oaths and affirmations in any district investigation or proceeding.

Oaths

Article 4. Meetings and Legislation

28790. All meetings of the board of directors, whether regular or special, shall be open to the public.

Public
meetings

28791. A majority of the board of directors shall constitute a quorum for the transaction of its business.

Quorum

28792. The board of directors shall adopt rules to govern its proceedings.

Rules

28793. The acts of the board shall be expressed by motion, resolution, ordinance. No ordinance shall be passed by the board on the day of its introduction, nor within three (3) days thereafter, nor at any time other than a regular or adjourned regular meeting. No ordinance, resolution, or motion shall have any validity or effect unless passed by the affirmative votes of a majority of the directors. No ordinance shall take effect until the expiration of thirty (30) days following its adoption, except the following which shall take effect upon adoption: an ordinance relating to an election, or to the issuance or sale of bonds, or to the levying or collection of taxes, or the fixing of fares; or an ordinance necessary for the immediate preservation or protection of the property, interests, or welfare of the district, which shall contain a specific statement showing its urgency, and which shall be passed by two-thirds of the total vote of the directors. All ordinances except those which take effect upon their adoption shall be subject to referendum in the manner provided by law for the legislative acts of boards of supervisors of counties.

Procedure

28794. All ordinances shall be published after passage.

Ordinances

28795. The enacting clause of all ordinances shall be as follows: "Be it enacted by the Board of Directors of the San Francisco Bay Area Rapid Transit District:"

Enacting
clause

28796. All ordinances shall be signed by the president or the vice president of the board, and attested by the secretary.

Form

Article 5. Officers

28810. The officers of the district shall consist of the members of the board of directors; a president and a vice president of the board, each of whom shall be a member of the board; a secretary, a general manager, a general counsel, a treasurer, [1] a controller and such other or subordinate officers, assistants, and deputies as the board may deem necessary and provide for by ordinance or resolution.

Officers

The general counsel shall be a person admitted to practice law in the Supreme Court of California and shall have been actively engaged in the practice of law for not less than ten (10) years next preceding his appointment.

The person appointed [2] controller shall have been actively engaged in the practice of accounting for not less than seven (7) years next preceding his appointment. [Amended by Stats 1965 ch 311 § 3.]

1. Deleted: "an auditor"
2. Deleted: "auditor"

28811. The secretary, general manager, general counsel, treasurer, and [1] controller shall be appointed by and may be removed by the affirmative votes of a majority of the members of the board of directors. All other officers and employees shall be appointed by the general manager and shall serve at his pleasure, subject to the provisions of this part relating to personnel. [Amended by Stats 1965 ch 311 § 4.]

1. Deleted: "auditor"

Appointment
and removal

28812. The compensation of all district officers and employees, except as otherwise provided in this part, shall be fixed by ordinance or resolution of the directors.

Compensation

28813. The board may consolidate any of the district offices in one person.

Office
consolidation

28814. The oath of office of all officers appointed by the board of directors or by the general manager of the district shall be taken, subscribed, and filed with the secretary of the district at any time after the officer has notice of his appointment but not later than fifteen (15) days after the commencement of his term of office. No other filing is required.

Oath of
office

28815. Each officer shall give such bond and in such amount as the board may require.

Bond

28816. Article 4 (commencing at Section 1090), Chapter 1, Division 4, Title 1, of the Government Code shall apply to all officers and contracts of the district.

Financial
interest

28817. The treasurer shall be the custodian of the funds of the district and shall make payments only upon warrants duly and regularly signed by the [1] general manager. He shall keep an account of all receipts and disbursements. With the approval of the board, the treasurer and general manager may designate alternates to act for them. [Amended by Stats 1965 ch 311 § 5.]

Treasurer

1. Deleted: "president or vice president of the board, or other person authorized by the board so to do, and by the secretary or"

28818. With the consent of the board, the treasurer may:

Deposit of
District's
securities

(a) Authorize the trust department of any state or national bank in this State, or a trust company authorized to act as such in this State, to receive as his agent deposits of any securities acquired by the district.

(b) Place and maintain for safekeeping as a trust deposit with the trust department of any state or national bank in this State, or a trust company authorized to act as such in this State, any securities owned by the district.

The bank or trust company selected shall have a total paid-in capital of at least one million dollars (\$1,000,000). The treasurer shall take from the trust department or trust company a receipt for the securities, and neither the treasurer nor the district is responsible for the custody and safe return of the securities until they are withdrawn from the trust department or trust company by the treasurer. Any trust department or trust company to which securities are delivered, either as agent or depository for the treasurer, shall make such disposition of the securities as the treasurer directs and is responsible only for strict compliance with written instructions given to it by the treasurer. All such securities are at all times subject to the order of the treasurer.

28819. [Repealed by Stats 1965 ch 311 § 6.]

Article 6. General Manager

28830. The board shall appoint and fix the salary of a general manager, who shall have

General
Manager

full charge of the acquisition, construction, maintenance, and operation of the facilities of the district and also of the administration of the business affairs of the district.

28831. All other things being equal, the general manager shall be chosen on the basis of his qualifications with special reference to his actual experience in or his knowledge of accepted practices in respect to the duties of his office as hereinafter set forth.

Qualifi-
cations

28832. The general manager need not be a resident of this State at the time of his appointment.

Residence

28833. The general manager shall hold office for an indefinite term and may be removed by the board only upon the adoption of a resolution by the affirmative vote of not less than a majority of the board. Before the general manager may be removed, he shall, if he demands it, be given a written statement of the reasons alleged for his removal and he shall have the right to be publicly heard thereon at a meeting of the board prior to the final vote on the resolution providing for his removal, but pending and during such hearing the board may suspend him from office. The board may not reduce the salary of the general manager below the amount fixed at the time of his original appointment except upon the adoption of a resolution by a like vote and after a like opportunity to be heard. The action of the board in suspending or removing the general manager or reducing his salary, if approved by a majority of the membership of the board, is final.

Removal

28834. The powers and duties of the general manager are:

Powers and
duties

(a) To have full charge of the acquisition, construction, maintenance, and operation of the facilities of the district.

(b) To have full charge of the administration of the business affairs of the district.

(c) To see that all ordinances of the district are enforced.

(d) To administer the personnel system adopted by the board and except for officers appointed by

the board to appoint, discipline or remove all officers and employees subject to the rules and regulations adopted by the board and the applicable provisions of this part.

(e) To prepare and submit to the board as soon as practical after the end of each fiscal year a complete report of the finances and administrative activities of the district for the preceding year.

(f) To keep the board advised as to the needs of the district.

(g) To prepare or cause to be prepared all plans and specifications for the construction of the works of the district.

(h) To devote his entire time to the business of the district.

(i) To perform such other and additional duties as the board may require.

(j) To cause to be installed and maintained a system of auditing and accounting which shall completely and at all times show the financial condition of the district.

28835. The general manager shall attend meetings of the board and be entitled to participate in the deliberations of the board, but shall not have a vote as to any matter before the board.

Duties at
Board meet-
ings

28836. The directors may appoint a general manager pro tempore during any absence or disability of the general manager.

Manager
pro tempore

CHAPTER 4. LABOR PROVISIONS

28850. Whenever a majority of the employees employed by the district in a unit appropriate for collective bargaining indicate a desire to be represented by a labor organization, the board, upon determining as provided in Section 28851 that said labor organization represents the employees in the appropriate unit, and the accredited representative shall bargain in good faith and make all reasonable efforts to reach agreement on the terms of a written contract governing wages, salaries, hours, working conditions and grievance procedures. In case of a dispute over the terms of a written contract governing wages, salaries, hours or working conditions, which is not resolved by negotiations in good faith between the board and the representatives of the employees, upon the agreement of both, the board and the representatives of the employees may submit said dispute to the decision of the majority of an arbitration board, and the decision of a majority of such arbitration board shall be final. The arbitration board shall be composed of two representatives of the district and two representatives of the labor organization, and they shall endeavor to agree upon the selection of a fifth member. If they are unable to agree, the fifth member shall be designated by the Secretary of the Judicial Council and shall be a person experienced in labor arbitrations. The expenses of such impartial arbitrator shall be provided half by the district and half by the labor organization.

Labor
organiza-
tion

No contract or agreement shall be made with any labor organization, association, group or individual where such organization, association, group or individual denies membership on the grounds of race, creed or color; provided, such organization may preclude from membership any individual who advocates the overthrow of the government by force or violence.

28851. If there is a question whether a labor organization represents a majority of employees or whether the proposed unit is or is not appropriate, such matters shall be submitted to the State Conciliation Service for disposition. The State Conciliation Service shall promptly hold a public hearing and may, by decision, establish the boundaries of any collective bargaining

Public
hearing

unit and provide for an election to determine the question of representation. Provided, however, any certification of a labor organization to represent or act for the employees in any collective bargaining unit shall not be subject to challenge on the grounds that a new substantial question of representation within such collective bargaining unit exists until the lapse of one year from the date of certification or the expiration of any collective bargaining agreement, whichever is later.

28852. Whenever the district acquires existing facilities from a publicly or privately owned public utility, either in proceedings by eminent domain or otherwise, to the extent necessary for operation of facilities, all of the employees of such public utility whose duties pertain to the facilities acquired who have been employed by said utility for at least seventy-five (75) days shall be appointed to comparable positions in the district without examination and shall be governed thereafter by the personnel system adopted by the board, and these employees shall be given sick leave, seniority and vacation credits in accordance with the records of the acquired public utility.

Employees
of acquired
utility

The provisions of this section shall apply only to those officers or supervisory employees of the acquired utility as shall be designated by the board.

28853. Whenever the district acquires existing facilities from a publicly or privately owned public utility, either in proceedings in eminent domain or otherwise, that has a pension plan in operation, members and beneficiaries of such pension plan shall continue to have the rights, privileges, benefits, obligations and status with respect to such established system; provided, however, that the outstanding obligations and liabilities of such public utility by reason of such pension plan have been considered and taken into account and allowance made for in the purchase price of such public utility.

Same:
pension
plan

28854. The persons entitled to pension benefits as provided for in Section 28853 and the benefits which are provided shall be specified

in the agreement or order by which any public utility is acquired by the district.

28855. All persons receiving pension benefits from such acquired public utility and all persons entitled to pension benefits under the pension plan of such acquired public utility may become members or receive pensions under the retirement system established by the district by mutual agreement of such persons and the district.

CHAPTER 5. RETIREMENT SYSTEM

Article 1. Establishment

28870. The board may establish a retirement system for the officers and employees of the district and provide for the payment of annuities, pensions, retirement allowances, disability payments, and death benefits or any of them.

Retirement
system

28871. The district may maintain its own retirement fund or may provide for benefits to eligible officers and employees, or their beneficiaries, by means of group insurance or other insurance, or by such means as in the opinion of the board will satisfactorily provide an adequate and sure method of meeting the payments contemplated by the retirement system.

Method

28872. Before establishing any retirement system the board shall secure a report from a qualified actuary, which shall show the cost of the benefits provided by the system, and the prospective assets and liabilities of the system.

Actuarial
report

28873. The board may adopt all ordinances and resolutions and perform all acts necessary or convenient to the initiation, maintenance, and administration of the retirement system.

Initiation,
maintenance,
etc.

28874. Nothing in this chapter prevents the district from participating in and making all or part of its employees members of the State Employees' Retirement System by contract entered into between the district and the board of administration of the system under the State Employees' Retirement Law¹ or from participating in the Federal Social Security Act² pursuant to Chapter 8 (commencing at Section 13775) of Part 3 of Division 3 of Title 2 of the Government Code, and the district may perform all acts necessary or convenient for such participation.

State
Employees'
Retirement
System

1. Government Code, §20000 et seq.

2. 42 U.S.C.A. § 301 et seq.

28875. The board may classify and determine the officers and employees who shall be included as members in the retirement system and may change the classification from time to time. Membership of all officers and employees so classified and included in the retirement system is compulsory.

Classi-
fication

Article 2. Benefits and Contributions

28890. The board may prescribe the terms and conditions upon which the officers and employees of the district or their beneficiaries shall be entitled to benefits and the amounts thereof.

Terms and
conditions

28891. The retirement allowance may be predicated in part upon service rendered the district by a member prior to the establishment of the retirement system, which service is known as "prior service."

"Prior
service"

28892. The board shall provide that both the district and the members shall contribute to the retirement system. The rate of contribution by an officer or employee of the district becoming a member of the retirement system shall be so fixed as to provide, with accumulated interest and based on tables and assumptions adopted by the board, substantially one-half the value of any retirement allowance granted for service, exclusive of any credits allowed for prior service.

Contribu-
tion

28893. All members of the retirement system shall contribute in the manner and amount fixed by the board and such contributions may be collected by deducting the amounts thereof from the salary, wages, or compensation due such members.

Collection

28894. Liabilities accruing under the retirement system because of benefits other than such as are the equivalent of contributions by the members, with accumulated interest, shall be met by contributions by the district. Prior service or other liabilities of the district may be met by annual appropriations instead of by appropriation for the total of the liabilities; but until the present value of regular contributions for current service, together with assets then available, equals the present value of all allowances and benefits granted or to be granted under the system, the appropriation for any one year when added to any unused balance of any previous appropriations for such purpose shall not be less than the amount disbursed during that year on account of prior service or other liabilities of the district.

Liabilities

28895. If any member withdraws from the retirement system prior to retirement the total amount contributed by him with such interest as may be credited thereto shall be returned to him; provided, however, that the board may prescribe the terms and conditions upon which a member, whose district service is terminated except by death or retirement, may elect to leave his contributions and interest thereon in the retirement fund, and the terms and conditions upon which a retirement allowance may be made to him after such termination based upon his contributions prior to such termination.

Withdrawal

28896. All money received by any person as an annuity, pension, retirement allowance, disability payment, or death benefit from the retirement system, and all contributions and interest thereon returned to any member of the retirement system, whether in the actual possession of such person or deposited, loaned, or invested by him, is exempt from execution, garnishment, or attachment and is unassignable.

Exemption
from execu-
tion, at-
tachment,
etc.

Article 3. Retirement Board

28910. The board shall create a retirement board of not more than five members, at least two members of which shall be the elected representatives of the employees, to administer the retirement system, and shall define its powers and duties and the tenure of the members.

Retirement
board

28911. All members of the retirement board shall serve without pay.

Compensa-
tion

28912. The retirement board shall determine the eligibility of officers, employees, and their dependents to participation in the system and shall be the sole authority and judge under such ordinances as may be adopted by the board as to the conditions under which persons may be admitted to and continue to receive benefits of any sort under the retirement system, and may modify allowances for service and disability. The determination of the retirement board shall be final and conclusive and shall not be modified or set aside except for fraud or abuse of discretion.

Determin-
ation of
eligibility

28913. If the district maintains its own retirement fund the retirement board shall have exclusive control of the administration, investment, and disbursement of such fund. Investment of the fund shall be subject to the terms, conditions, limitations, and restrictions imposed by the laws of this State upon savings banks in the making of investments by savings banks, and cash may be deposited in any licensed national bank or banks in this State or in any bank, banks, or corporations authorized or licensed to do a banking business and organized under the laws of this State.

Funds

CHAPTER 6. POWERS AND FUNCTIONS OF DISTRICT

Article 1. Corporate Power

28950. The district has perpetual succession and may adopt a seal and alter it at pleasure. Seal

28951. The district may sue and be sued, except as otherwise provided by law, in all actions and proceedings, in all courts and tribunals of competent jurisdiction. Suit

28952. The district may levy, and collect or cause to be collected, taxes for any lawful purpose, as provided in Chapter 7 of this part. Tax levy

28953. The district shall have or exercise the right of eminent domain in the manner provided by law for the condemnation of private property for public use. The district may take any property necessary or convenient to the exercise of the powers granted in this part, whether the property is already devoted to the same use or otherwise. In the proceedings, venue, and trial relative to the exercise of the right the district has all the rights, powers, and privileges of an incorporated city and all rights, powers, and privileges conferred in this part. The district shall proceed in the name of the district in condemnation proceedings. The district, in exercising such power, shall in addition to the damage for the taking, injury, or destruction of property, also pay the cost, exclusive of betterment and with credit for salvage value, of removal, reconstruction, or relocation of any structure, railways, mains, pipes, conduits, wires, cables or poles of any public utility which is required to be moved to a new location. Notwithstanding any other provision of this act or any other law, no property in public use shall be taken by the district except upon a finding by a court of competent jurisdiction that the taking is for a more necessary public use than that to which it has already been appropriated. Eminent domain

28954. Whenever the district shall determine to exercise the right of eminent domain, it shall adopt a resolution declaring that the public interest and necessity require the acquisition Same: Resolution

of any described real property or right or interest therein. Such resolution, if adopted by a vote of two-thirds of the members of the board of directors, shall be conclusive evidence of the following:

(a) The public necessity of such acquisition.

(b) That such property, rights, or interests are, and that the acquisition of the fee or other interest therein is, necessary therefor.

(c) That such proposed acquisition is planned or located in a manner which will be most compatible with the greatest public good and cause the least private injury.

28955. The Public Utilities Commission of the State shall have and exercise power and jurisdiction to fix just compensation to be paid for the taking of any property of a public utility in eminent domain proceedings brought by the district. The district may commence and maintain such eminent domain proceedings in the Public Utilities Commission or the superior court at its option.

Eminent
domain:
Public
utility

28956. The district is entitled to the benefit of any reservation or grant, in all cases, where any right has been reserved or granted to the State or any agency or political subdivision thereof or any public corporation to construct or maintain roads, highways or other crossings over any public or private lands.

Reservation
or grant

28957. The district may be merged into or consolidated with any other public agency which may be established by law upon such terms as the board of directors shall specify in a resolution to be submitted to the electors of the district for approval in the manner provided in Sections 29540 to 29545, inclusive, of this part insofar as possible. The resolution authorizing consolidation or merger shall not take effect unless and until a majority of the votes cast are in favor of the proposed merger or consolidation. In the event of merger or consolidation, the surviving entity or the consolidated entity shall succeed to all the powers, duties, purposes, responsibilities, liabilities, and jurisdiction now or hereafter vested by law in the district.

Merger
or consol-
idation

28958. Prior to the time the district incurs a bonded indebtedness, the district shall insofar as possible follow the budgetary control procedures for counties, pursuant to Articles 1 to 4, inclusive (commencing at Section 29000), Chapter 1, Division 3, Title 3 of the Government Code. Transfers of funds within, or revisions of, a budget adopted by the district, whether before or after the incurring of a bonded indebtedness, may be made by appropriate act of the board at a regular or special meeting.

Budgetary
control

Article 2. Contracts

28970. The district may make contracts and enter into stipulations of any nature whatsoever, either in connection with eminent domain proceedings or otherwise, including, without limiting the generality of the foregoing, contracts and stipulations to indemnify and save harmless, to employ labor, and to do all acts necessary and convenient for the full exercise of the powers granted in this part.

Contracts

28971. The district may contract with any department or agency of the United States of America or of the State of California or with any public or private corporation upon such terms and conditions as the directors find is for the best interests of the district.

Public or
private
organiza-
tions

28972. Repealed. Stats.1959,c.94,p.1948,\$4.

28973. The district may insure against any accident to or destruction of the system or any part thereof.

Insurance:
accident

28974. The district may insure against loss of revenues from any cause whatsoever.

Same: loss
of revenue

28975. The district may insure against public liability or property damage, or both. It may provide in the proceedings authorizing the issuance of any bonds for the carrying of such or any other insurance, in such amount and of such character as may be specified, and for the payment of the premiums thereon.

Same:
liability
or proper-
ty damage

Article 3. Purchases

28990. The purchase of all supplies, equipment and materials, and the construction of facilities and works, when the expenditure required exceeds three thousand dollars (\$3,000), shall be by contract let to the lowest responsible bidder. Notice requesting bids shall be published at least once in a newspaper of general circulation, which publication shall be made at least ten (10) days before bids are received. The board may reject any and all bids and readvertise in its discretion.

Bids

28991. If after rejecting bids the board determines and declares by a two-thirds vote of all its members that in its opinion the supplies, equipment and materials may be purchased at a lower price in the open market, the board may proceed to purchase the supplies, equipment and materials in the open market without further observance of the provisions requiring contracts, bids, or notice.

Purchase
on open
market

28992. In case of any great public calamity, such as an extraordinary fire, flood, storm, epidemic, or other disaster, the board may, by resolution passed by a two-thirds vote of all its members declare and determine that public interest and necessity demand the immediate expenditure of public money to safeguard life, health or property, and thereupon proceed to expend or enter into a contract involving the expenditure of any sum needed in such emergency without observance of the provisions requiring contracts, bids, or notice.

Public
calamity

Article 4. Property

29010. The district may take by grant, purchase, gift, devise, or lease, or condemn in proceedings under eminent domain, or otherwise acquire, and hold and enjoy, real and personal property of every kind within or without the district necessary to the full or convenient exercise of its powers. The board may lease, mortgage, sell, or otherwise dispose of any real or personal property within or without the district when in its judgment it is for the best interests of the district so to do.

Acqui-
sition

29011. Whenever the board by resolution determines that any record, map, book, or paper in the possession of the district or any officer or employee thereof is of no further value to the district, the board may authorize its sale, destruction, or other disposition.

Records,
books, etc.

Article 5. Rapid Transit Facilities and Service

29030. The district may provide a rapid transit system for the transportation of passengers and their incidental baggage.

Rapid
transit
system

29031. The district may acquire, construct, own, operate, control or use rights of way, rail lines, bus lines, stations, platforms, switches, yards, terminals, parking lots, and any and all other facilities necessary or convenient for rapid transit service within or partly without the district, underground, upon, or above the ground and under, upon, or over public streets, highways, bridges, or other public ways or waterways, together with all physical structures necessary or convenient for the access of persons and vehicles thereto, and may acquire any interest in or rights to the use or joint use of any or all of the foregoing; provided, that installations in state freeways shall be subject to the approval of the State Department of Public Works and installations in other state highways shall be subject to Article 2 (commencing at Section 670), Chapter 3, Division 1 of the Streets and Highways Code.

Acquisition,
etc.

29032. The district may lease or contract for the use of its facilities, or any portion thereof, to any operator, and may provide for subleases by such operator upon such terms and conditions as it deems in the public interest. The word "operator" as used in this section means any city or public agency or any person, firm or private corporation.

Lease or
contract

29033. The district may construct and operate or acquire and operate works and facilities in, under, upon, over, across, or along any street or public highway or any stream, bay or watercourse, or over any of the lands which are the property of the State, to the same extent that such rights and privileges appertaining thereto are granted to municipalities within the State.

Construc-
tion,
operation,
etc.

29034. The district may enter into agreements for the joint use of any property and rights by the district and any city, public agency or public utility operating transit facilities; may enter into agreements with any city, public agency or public utility operating any transit facilities, either wholly or partially within, or without, the district, for the joint use of any property of the district or of such city, public agency or public utility, or the establishment of through routes, joint fares, transfer of passengers or pooling arrangements.

Agreements

29035. The district may operate such feeder bus lines and other feeder services as necessary.

Feeder services

29036. The board of directors shall refer for recommendation the plans of routes, rights of way, terminals, stations, yards and related facilities and improvements to the city councils and boards of supervisors within whose jurisdiction said facilities and improvements lie and to such other state, regional and local agencies and commissions as may be deemed appropriate by the board of directors. The board of directors shall give due consideration to all recommendations submitted.

Routes, etc.

29037. The district shall not interfere with or exercise any control over any transit facilities now or hereafter owned and operated wholly or partly within the district by any city or public agency, unless by consent of such city or public agency and upon such terms as are mutually agreed upon between the board and such city or public agency.

City transit facilities

29038. The rates and charges for service furnished pursuant to this part shall be fixed by a two-thirds vote of the board and shall be reasonable. Insofar as practicable, such rates shall be fixed so as to result in revenue which will:

Rates and charges

(a) Pay the operating expenses of the district;

(b) Provide for repairs, maintenance, and depreciation of works owned or operated by the district;

(c) Provide for the purchase, lease, or acquisition of rolling stock, including provisions

for interest, sinking funds, reserve funds, or other funds required for the payment of any obligations incurred by the district for the acquisition of rolling stock; and

(d) After making any current allocation of funds required for the foregoing purposes and by the terms of any indebtedness incurred under Articles 6 (commencing with Section 29240) and 7 (commencing with Section 29250) of Chapter 8 of this part, provide funds for any purpose the board deems necessary and desirable to carry out the purposes of this part.

29039. The board of supervisors of a county or a city and county, or the city council of a municipality having territory located within the district may file a request for a hearing before the district board as to the reasonableness of any rates or charges fixed by the district and as to any proposal for fixing the location of facilities by the district. The request shall be in writing and shall state the subject matter on which a hearing is desired.

Hearing

29040. Upon the filing of a request for hearing as provided in Section 29039 the district board shall fix the time and place for hearing. The time fixed shall not be less than fifteen (15) days nor more than sixty (60) days from the date such request is filed. Notice of such hearing shall be given to the county or city requesting such hearing and shall be published by the board.

Notice

29041. At the time fixed for any hearing before the board any board of supervisors or city council eligible to file a request for hearing, not a party to the original request for hearing, may intervene and shall be entitled to be heard and to introduce evidence.

Interven-
tion

29042. The district, petitioner or petitioners, and the intervenors shall have the right to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in direct examination; and to rebut evidence introduced by other parties.

Evidence

29043. Oral evidence shall be taken only on oath or affirmation. The hearing need not be

Same

conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious business affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in a civil action. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in a civil action.

29044. A complete record of all proceedings and testimony before the board at such hearing shall be taken down by a reporter appointed by the board. In case an action is brought to review any decision of the board, a transcript of such testimony, together with all exhibits or copies thereof introduced, together with the written request for hearing and other proceedings in the cause shall constitute the record on review; provided, however, that the board and other parties may stipulate in writing that a specified portion of the evidence be certified to the court for judgment and in such case the portion of the evidence specified and the stipulation specifying such evidence shall be the record on review.

Record

29045. Within thirty (30) days after submission of the case the board shall render its decision in writing together with written findings of fact. Copies of the findings and decision shall be sent forthwith to the petitioners and intervenors by registered mail, postage prepaid.

Decision

29046. Within forty (40) days after the mailing of the decision to the petitioner, the petitioner may apply for a writ of mandate in the manner provided in the Code of Civil Procedure. The complete record of the proceedings, or such parts thereof as are designated by the petitioner, shall be prepared by the district and shall be delivered to the petitioner within thirty (30) days after a request therefor, upon payment of the expense of preparation and certification thereof.

Writ
of
mandate

29047. The district shall be subject to regulations of the Public Utilities Commission relating to safety appliances and procedures, and the commission shall inspect all work done pursuant to this part and may make such further additions or changes necessary for the purpose of safety to employees and the general public.

Safety
require-
ments

The commission shall enforce the provisions of this section.

Article 6. Claims

29060. All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

Claim
for
damages

29061, 29062. Repealed. Stats.1959, c. 1727, p. 4153, § 50

Article 7. Indebtedness

29080. The district may accept, subject to the procedures and limitations provided in Chapter 8 of this part, contributions or loans from the United States, or any department, instrumentality, or agency thereof, for the purpose of financing the acquisition, construction, maintenance, and operation of transit facilities, and may enter into contracts and cooperate with, and accept cooperation from, the United States, or any department, instrumentality, or agency thereof, in the acquisition, construction, maintenance, and operation, of any such transit facilities in accordance with any legislation which Congress may have heretofore adopted or may hereafter adopt, under which aid, assistance, and cooperation may be furnished by the United States in the acquisition, construction, maintenance, and operation or in financing the acquisition, construction, maintenance, and operation of any such transit facilities. The district may do any and all things necessary in order to avail itself of such aid, assistance, and cooperation under any federal legislation now

Loans

or hereafter enacted. Any evidence of indebtedness issued under this section shall constitute a negotiable instrument.

29081. The district may cooperate with and enter into agreements with the State of California or any public agency for the acquisition, construction, completion, maintenance, operation, or repair, joint or otherwise, and in whole or in part, of transit facilities. In connection with any such cooperation or contract, the State or any public agency may make public contributions to the district as in the judgment of the Legislature, or the governing board of the agency, are necessary or proper for its undertaking, and the district may reimburse the State or public agency for any such advance or contribution from the proceeds of the sale of bonds or any other funds available to the district, except that any agreement requiring reimbursement of contributions or advances by obligating the district to incur an indebtedness will be subject to the procedures and limitations provided in Chapter 8 of this part. The State or any public agency may also authorize, aid and assist the district to carry out any activity which the State or public agency is by law authorized to perform and carry out on its own behalf.

Public
agency
aid

Article 8. Investments

29100. Subject to any agreement or covenant between the district and the holders of any of its obligations limiting or restricting classes of investments, the district may invest any surplus money in its treasury, including money in any sinking fund, reserve fund, or other fund created or established for the benefit of holders of any outstanding obligations of the district, in any of the following:

Surplus
money:
investment

(a) Its own bonds.

(b) Treasury notes, certificates of indebtedness, bills, bonds of the United States, or any other evidence of indebtedness secured by the full faith and credit of the United States.

(c) Obligations issued pursuant to the Federal Home Loan Bank Act¹ or the National Housing Act.²

(d) Treasury notes or bonds of this State, or of any public corporation, municipal corporation, public district, or political subdivision within this State which are legal as security for the deposit of public funds.

(e) In any investment in which county funds may be placed pursuant to the general laws of the State of California.

1. 12 U.S.C.A. § 1421 et seq.
2. 12 U.S.C.A. § 1701 et seq.

29101. Such investment may be made by direct purchase of any issue of such bonds, treasury notes, or obligations, or part thereof, at the original sale or by the subsequent purchase of the bonds, treasury notes, or obligations.

Direct
purchase

29102. Any bonds, treasury notes, or obligations purchased and held as investments by the district may from time to time be sold and the proceeds reinvested in bonds, treasury notes, or obligations as provided in this article.

Reinvest-
ment

29103. Sales of any bonds, treasury notes, or obligations purchased and held by the district shall from time to time be made in season so that the proceeds may be applied to the purposes for which the money with which the bonds, treasury notes, or obligations were originally purchased was placed in the treasury of the district.

Sale

Article 9. Relocation Assistance

[Added by Stats 1st Ex Sess 1966 ch 165 § 1, effective July 20, 1966.]

29110. As used in this article:

Definitions

(a) "Eligible person" means any individual, family, business concern, farm, or nonprofit organization to be displaced by a district construction project.

"Eligible
person"

(b) "Construction project" means the acquisition of real property or any interest therein for public use by the district.

"Construc-
tion pro-
ject"

(c) "Public use" means a use for which property may be acquired by eminent domain.

"Public
use"

(d) "Moving expenses" means the packing, loading, transportation, unloading, and unpacking of personal property.

"Moving
expenses"

29111. As a part of the cost of a construction project, the district shall compensate eligible persons for their reasonable and necessary moving expenses caused by their displacement from real property acquired for such project.

Compensation

29112. The payment of moving expenses shall be made to eligible persons in accordance with the provisions of this article and such rules and regulations as shall be adopted by the district.

Payment

29113. Payment of moving expenses shall not exceed two hundred dollars (\$200) in the case of an individual or family.

Same: Individual

29114. Payment for moving expenses shall not exceed three thousand dollars (\$3,000) in the case of a business concern, farm, or non-profit organization.

Same: Business

29115. In the case of a business concern, farm, or nonprofit organization, the allowable expenses for transportation shall not exceed the cost of moving fifty (50) miles from the point from which such business concern, farm, or nonprofit organization is being displaced.

Transportation expenses

29116. The district is authorized to adopt rules and regulations to implement the payment of moving expenses as authorized by this article. Such rules and regulations may include provisions authorizing payments made to individuals and families of fixed amounts not to exceed two hundred dollars (\$200) in lieu of their respective reasonable and necessary moving expenses.

Rules and regulations

29117. The district is authorized to give relocation advisory assistance to any family displaced because of acquisition or clearance of rights-of-way for a construction project.

Relocation advisory assistance

CHAPTER 7. TAXATION

29120. The board may provide for the assessment, levy, and collection of taxes by the district, including the sale of property to the district for delinquent taxes, with penalties, interest, and cost.

Taxes

29121. The board shall, at the time of fixing the general tax levy and in the manner provided for the general tax levy, levy and collect annually until the general obligation bonds of the district are paid, or until there is a sum in the treasury of the district set apart for that purpose to meet all sums coming due for principal and interest on the bonds as they become due and payable, a tax sufficient to pay the annual interest on the bonds and such part of the principal thereof, including any sinking fund installments required by any of the district's agreements with its bondholders, as becomes due before the proceeds of a tax levied at the next general tax levy will be available for such purposes.

Annual
levy and
collection

29122. The taxes required to be levied and collected on account of interest, principal, and sinking fund of general obligation bonds of the district shall be in addition to all other taxes levied for district purposes, and shall be collected at the time and in the same manner as other district taxes are collected, and be used for no other purpose than the payment of the bonds and accruing interest.

Same:
Interest,
principal,
etc.

29123. The tax rate for taxes levied in any fiscal year for all district purposes other than taxes levied pursuant to Section 29121, shall not exceed five cents (\$0.05) on each one hundred dollars (\$100) of assessed valuation of taxable property within the district, except the tax rate for the first year of levy may include an additional amount sufficient to repay temporary borrowing incurred pursuant to Article 5 of Chapter 8 of this part. Taxes levied pursuant to this section for maintenance and operation of rapid transit facilities shall be supplementary to the revenues derived from such facilities and shall be limited to actual requirements.

Tax
rate

29124. All assessments shall be made for the district by the State Board of Equalization and the county assessors, and all taxes shall be collected for the district by the tax collectors, of the counties in which the district is situated.

County
assessment
and
collection

29125. Each county auditor shall, on or before the third Monday in August of each year, transmit to the board a statement in writing showing the total value of all property within the district as equalized.

Valuation

29126. The board shall, on or before the first weekday in September, or if such weekday falls upon a holiday then on the first business day thereafter, fix the rate of taxes, designating the number of cents upon each hundred dollars, using as a basis the value of property transmitted to the board by the county auditors, which rate of taxation shall be sufficient to raise the amount previously fixed by the board. These acts by the board shall constitute a valid assessment of the property and a valid levy of the taxes so fixed.

Designation
of rate

29126.1. If in the determination of any tax rate a fraction of a cent occurs, the board may adopt a rate ending in the next higher tenth of one cent (\$0.001). An excess over the amount specified in the budget, arising from the use of the tenth of one cent tax rate, is not a violation of this chapter. Any cash collected resulting from such excess or from an excess resulting from any other cause shall not invalidate the levies but shall be applied in the next succeeding budget year as available surplus unless its expenditure is otherwise authorized by law.

Tax rate:
fraction
of a cent

29127. The board shall immediately after fixing the rate of taxes as above provided transmit to the county auditors of the counties in which the district is situated a statement of the rate of taxes fixed by the board.

Trans-
mission

29128. The district's taxes so levied shall be collected at the same time and in the same manner as county taxes. When collected the net amount, ascertained as provided in this article, shall be paid to the treasurer of the district, under the general requirements and

Procedure

penalties provided by law for the settlement of other taxes. The district may adopt the alternative procedure of tax collection and apportionment established by Chapter 3 (commencing at Section 4701) of Part 8 of Division 1 of the Revenue and Taxation Code and any amendments thereof; provided, however, that the district may thereafter abandon said alternative procedure at the end of any fiscal year of the district.

29129. Whenever any real property situate in any district which has availed itself of the provisions of Section 29124 has been sold for taxes and has been redeemed, the money paid for redemption shall be apportioned and paid to the district by the county treasurers receiving it in the proportion which the tax due to the district bears to the total tax for which the property was sold.

Tax sale

29130. The compensation to be charged by and paid to any county for the performance of services under this chapter shall be fixed by agreement between the board of supervisors of the county and the board. The compensation shall in no event exceed one-half of 1 percent of all money collected for the district. The compensation collected by the county shall be placed to the credit of the county salary fund.

Compensation

29131. All taxes levied under this part are a lien on the property on which they are levied. Unless the board has by ordinance otherwise provided, the enforcement of the collection of such taxes shall be in the same manner and by the same means provided by law for the enforcement of liens for county taxes, all the provisions of law relating to the enforcement of the latter being made applicable to this part, so far as consistent therewith.

Lien

CHAPTER 8. BONDS AND OTHER EVIDENCES OF
INDEBTEDNESS

Article 1. Authorization of General
Obligation Bonds

29150. The district may borrow money, incur a bonded indebtedness in respect thereto, and levy taxes for the payment of principal and interest thereon, in the manner provided in Chapter 7 of this part, but no such bonded debt shall exceed fifteen (15) percent of the assessed valuation of taxable property within the district.

Limitation
on bonded
debt

29151. Before submitting a proposal to incur any bonded indebtedness, the district shall employ such engineers, economists, fiscal experts and others as is necessary to develop general plans, estimates and general specific-ations pertaining to the projects for which the bond issue is proposed, sufficient in the opinion of the board to enable the board to determine the feasibility of such projects.

Development
of project
plans

29152. Such engineers, economists, fiscal experts and others shall make reports to the district, which shall include:

Engineering
and financial
reports

(a) A general description of the facilities to be acquired or constructed from the proceeds of the proposed bond issue.

(b) The estimated total cost of constructing or acquiring, or both, such facilities.

(c) The estimated period of construction of such facilities.

(d) An estimate of the revenues which may be expected to be derived therefrom.

(e) The amount of bonds which will be required to pay the estimated total cost of constructing or acquiring such facilities. If the district determines to make interest payments out of bond proceeds, the estimate may include a sum sufficient to pay interest on the bonds during the estimated period of construction and for three years, or less, thereafter.

(f) An estimate of the taxes required to be levied for all district purposes, the sources from which such taxes shall be obtained, and the proportion or amount to be derived from each source.

29153. After receiving such reports, the board shall determine and declare by resolution whether or not the proposed plan of work is feasible and whether or not the project, as set forth in said reports, is necessary, and if so, shall make an order determining the amount of bonds that should be issued in order to raise the amount of money necessary therefor, and in determining such amount, sufficient shall be included to cover the cost of inspection of works in course of construction. Such determination by the board shall constitute a conclusive determination that the reports then on file with the board are adequate and sufficient to enable the board to make the determination as set forth in such resolution.

Determina-
tion of
amount of
bond issue

29154. After adoption by the board of the reports made pursuant to Section 29152 the board shall refer such reports to the boards of supervisors of the counties comprising the district for their approval.

Reference
of reports
to Super-
visors

29155. After receiving such reports, each board of supervisors shall fix a time and place for a public hearing to consider such reports. The time fixed for the hearing shall not be less than thirty (30) days nor more than sixty (60) days from the date such reports were received from the board.

Public
hearing

29156. Within fifteen (15) days from the date of the public hearing held pursuant to Section 29155, each board of supervisors shall, by a resolution adopted by a majority vote of the board of supervisors, determine whether it approves the reports and shall file an executed copy of the resolution with the secretary of the district.

Approval
by Super-
visors

29157. In the event a majority of any board of supervisors does not approve the reports, the district may make additional studies and changes and may refer the amended reports to the board of supervisors of the counties comprising the district in order to obtain unanimous

Additional
studies

Withdrawal
from
district

approval from the counties comprising the district. If no agreement is reached within a period of six (6) months following the date the original reports were received from the board, any county not approving the reports may withdraw from the district under provisions of Chapter 10 of this part, notwithstanding that after such county's disapproval the reports are withdrawn by the district. Failure of a county to withdraw from the district within thirty (30) days following such six-month period shall have the same effect as approval by the board of supervisors of such county of the reports as last amended unless the reports have been previously withdrawn by the district.

29158. When the district has received unanimous approval from the boards of supervisors of the counties comprising the district, the board shall call a special election and submit to the qualified voters of the district the proposition of incurring a bonded indebtedness for the acquisition, construction and completion of rapid transit facilities by the district and all other works, property, or structures necessary or convenient therefor and for the purpose of carrying out the provisions of this part.

Special
election

29159. The resolution calling the special election shall contain:

Election
resolution

(a) A statement of the general object and purpose of incurring the indebtedness.

(b) Statement of the estimated cost of the proposed work and improvements.

(c) The amount of the principal of the indebtedness to be incurred therefor.

(d) The maximum term, which shall not exceed fifty (50) years, that the bonds proposed to be issued shall run before maturity.

(e) The maximum rate of interest to be paid on said indebtedness, which shall not exceed six (6) percent per annum.

(f) A statement declaring whether interest, to be paid upon such bonds during the estimated

period of construction of the works of the district and for three years thereafter, or less, shall be a capital charge, and shall be payable out of the principal sum realized from the sale of bonds, and, if so, to what extent.

(g) An estimate of the taxes required to be levied for all district purposes, the sources from which such taxes shall be obtained, and the proportion or amount to be derived from each source.

(h) The date on which the special bond election will be held, the hours during the day which the polls will be open, and the manner of voting for and against the incurring of such indebtedness; provided, however, the district shall have no power or authority, within six (6) months after an election at which a proposition submitted to the qualified electors of the district failed to receive the requisite number of votes as provided in Section 29168, to call or order another election for incurring any indebtedness for purposes substantially the same as voted upon at such prior election. If the special bond election is consolidated with any other election, the hours during which the polls shall be kept open in each county shall be the same as those provided for the election with which the election called pursuant to this part is consolidated and reference to that effect in the resolution shall be sufficient without specifying the particular hours.

29160. The provisions of Section 37.5 of Chapter 1239 of the Statutes of 1949, the San Francisco Bay Area Metropolitan Rapid Transit District Act, relating to the repayment of appropriations made to the San Francisco Bay Area Rapid Transit Commission from the proceeds of the first sale of bonds issued by the district created by that act, shall apply to and be binding upon the San Francisco Bay Area Rapid Transit District.

Repayment
of appro-
priations
to Rapid
Transit
Commission

29161. Any election submitting the proposition of incurring indebtedness and the issuance of bonds called pursuant to the provisions of this part, may be held separately, or may be consolidated with any other election authorized by law, at which the qualified voters of any county, city and county, or city are

Separate
or con-
solidated
election

entitled to vote. However, in the event any such election called pursuant to this part is consolidated with any other election, as provided by Chapter 4 (commencing at Section 23300), Part 2, Division 12 of the Elections Code, the provisions of this part setting forth the procedure for the calling of the election called pursuant to this part shall be complied with, except that the resolution calling such election need not set forth the election precincts or polling places, or the officers of election which shall be the same as those set forth in the ordinance, order, resolution, notice, or other proceeding calling or providing for, or listing or designating the precincts, polling places, and election officers for the election with which the election called pursuant to this part is consolidated, and shall refer to such election or to the ordinance, order, resolution, notice, or other proceeding calling, providing for or giving notice of such election and which sets forth such precincts, polling places, and election officers. Such reference may be made by giving the number or title or date of adoption of such ordinance, resolution or order to the date or proposed date of any publication of such notice and the name of the newspaper or proposed newspaper in which the notice has been or will be published or by any other definite description. Whenever a bond election called pursuant to this part is consolidated with a statewide general election held in the district, references to such general election shall be sufficient for all purposes of this part.

29162. Whenever a special bond election is called pursuant to this part and is not consolidated with any other election the board shall in its resolution calling such special bond election, in addition to all other matters required to be set forth therein:

Specifi-
cation of
precincts

(a) Specify the precincts or consolidated precincts in each county or portion of a county which are adopted for the purposes of the election and designate the location of the polling places, provided that one or more polling places may be established within the same precinct and separate ballot boxes and separate officers of election provided for each group of electors, which group shall be determined by alphabetical

designations and divided into groups as nearly equal in number as practicable.

(b) Specify the names of the officers selected to conduct the election, who shall consist of at least one inspector and two judges in each precinct, but not in excess of six election officers for each polling place.

Consolidated
election

Whenever the special bond election called pursuant to this part is consolidated in whole or in part with any other election, the precincts, polling places and election officers need not be set forth in the resolution calling the special bond election except only to the extent that any precinct, polling place and election officers established for the special bond election differ or are in addition to those established for the election with which the special bond election called pursuant to this part is consolidated.

29163. Notice of a special bond election shall be given by publication of the text of the resolution calling the election and except as provided below the text thereof shall be published once a week in each calendar week for two successive calendar weeks at any time prior to the election (the first publication of which shall be not less than twenty (20) days nor more than ninety (90) days prior to the date fixed for the election) in at least one newspaper of general circulation and in not more than three newspapers, designated by the board, which are printed and published in each county within the district. That portion of the resolution constituting notice of election as published in each county shall contain only the reference to the precincts, polling places, and election officers in the county or portion of the county in which it is published, and it shall not be necessary to publish any portion of the resolution setting forth the precincts, polling places or election officers in any other county. Except for the omission in any county of the reference to the precinct, polling place and election officers in any other county, the text of the resolution as published in each county to constitute notice of said election shall be the resolution in form as adopted by the board. To each resolution published in each county there shall be set forth a notice

Publication of
notice

substantially as follows:

"NOTICE OF ELECTION

Notice is hereby given to the qualified electors of the San Francisco Bay Area Rapid Transit District that the Board of Directors has duly adopted a resolution calling a special bond election within the District which is set forth in full below, except only for the omission of the designation of the precinct, polling place and officers of election in any county or portion of a county in which such election is to be held except only the designation of such election details as the same pertain to the county or portion of a county in which the attached resolution is published, which election details are set forth in the following text of the resolution."

If there is no newspaper published in any county within the district, the notice shall be posted in three public places in such county.

29164. All the expenses of holding the election shall be borne by the district, except when the election is consolidated with another election pursuant to Chapter 4 (commencing at Section 23300), Part 2, Division 12 of the Elections Code in which case the expense borne by the district shall be that agreed upon by the district and the other governing body or bodies calling the election.

Expenses

29165. No error, irregularity or omission in the calling, holding or conducting of any special bond election which does not affect the substantial rights of the taxpayers within the district or the electors voting at any election at which bonds of the district are authorized to be issued shall invalidate the election or any bonds authorized thereat.

Irregularity,
omission,
etc.

29166. The returns of the election shall be made and the votes shall be canvassed by the county clerk in each county contained in the district, within thirty (30) days after holding of the election, and the county clerks, respectively, shall certify the result of the election in each county, respectively, to the board of the district.

Election
results

In the event that the election is consolidated with any other election, the returns of the election, the method of canvassing, and the results thereof shall be designated and declared in accordance with Chapter 4 (commencing at Section 23300), Part 2, Division 12 of the Elections Code.

29167. At any special bond election called pursuant to this part, all residents of the district who are qualified electors possessing the qualifications prescribed by the general election laws of the State of California shall be entitled to vote thereat. All special bond elections shall be held and conducted as nearly as practicable in accordance with the general laws of the State of California, including provisions with respect to voting by absent voters, but the requirements as to the form of ballots need not apply except to the extent adopted by the board. Whether a resident of the district is a qualified elector within the district shall be conclusively determined by the last great register of voters of the county or portion of the county in which the election is held. Except when the special bond election is consolidated with any other election, the board shall designate the hours during which the polls shall be kept open. The polls shall not be opened before 7 a. m. nor kept open later than 8 p. m. and shall be kept open for not less than four hours.

Voter
qualifi-
cations

29168. At any special bond election two or more propositions for incurring indebtedness may be submitted at the same election in which event the votes cast for and against each proposition shall be counted separately, and whenever three-fifths of the qualified electors voting on any one of such propositions vote in favor thereof such proposition shall be deemed adopted.

Alterna-
tive in-
debtedness

Article 2. Form and Terms of
General Obligation Bonds

29169. Whenever three-fifths of the votes cast at any special bond election or on any proposition submitted thereat are in favor of incurring the indebtedness set forth in such proposition, the board may by resolution at any time it deems proper, or from time to time, provide for the authorization and issuance of the bonds not exceeding the amount authorized at such election.

Resolution

29170. Bonds may be issued in form payable to bearer, with coupons attached for payment of interest and, if so issued, may be made subject to registration. Bonds issued in bearer form shall constitute negotiable instruments for all purposes under the laws of the State of California. The district may appoint a registration agent which may be a bank or trust company and authorize such registration agent to maintain books of registry and to register, authenticate and exchange bonds on such terms and conditions and pursuant to such rules and regulations as the district may provide. The district may provide for the interchange of coupon bonds for registered bonds and registered bonds for coupon bonds, and may provide that the bonds shall be registered as to principal only, or as to both principal and interest, or otherwise, as the district may determine.

Issuance

29171. Coupon bonds may be issued in denominations of one thousand dollars (\$1,000), or multiples thereof, as the district may determine. Coupon bonds of different denominations shall be exchangeable for coupon bonds of other denominations or for registered bonds on such terms and conditions as the district may determine, including provisions for the authentication of any bonds issued upon such exchange by the registration agent or other agents appointed by the district for that purpose.

Coupon
bonds

29172. Registered bonds may be issued without limitation as to principal amount, as may be determined by the district, except that registered bonds shall be in denominations of one thousand dollars (\$1,000) or multiples thereof. Registered bonds of any denomination shall be exchangeable with bonds, either in registered or coupon form, of other denominations on such terms and conditions as the district shall determine, including provisions for authentication of bonds issued upon such exchange by the registration agent or other agents appointed by the district for that purpose, and upon the payment of such reasonable charges as may be prescribed by the district.

Registered
bonds

29173. Bonds shall bear interest at a rate of not to exceed 6 percent per annum, payable semiannually, except that interest for the first year or any fraction thereof may be paid in one installment.

Interest

29174. The district may provide for redemption of bonds prior to maturity, on such notice and at such time or times and with such redemption provisions, including premiums, as the district may determine, provided that no redemption premium shall be in excess of 6 percent of the principal amount of the bonds to be redeemed. No bond is subject to call or redemption prior to its fixed maturity date, unless the right to exercise such call and the redemption price are expressly stated on the face of the bond. When bonds have been validly called for redemption and payment of the principal thereof, and the interest thereon accrued to the date of redemption, together with the redemption premium, if any, shall have been made or provided for, interest thereon shall cease.

Redemption

29175. The district may provide for the payment of the principal and interest of bonds at any place within the State of California, or at any other place within the United States, which the district may designate. The place of payment shall be specified in the bonds and payment shall be made in any coin or currency of the United States of America which at the time of payment is legal tender for public and private debts.

Place of
payment

29176. Bonds shall bear dates prescribed by the district.

Dates

29177. Bonds may be serial or sinking fund bonds, or in part serially and in part sinking fund bonds, with such maturities and in such amounts annually, semiannually, or otherwise, as the district may determine at the time of authorizing the issuance thereof.

Special or
sinking
fund

29178. No bond by its terms shall mature in more than fifty (50) years from its own date, and in the event any authorized issue is divided into two or more series or divisions, the maximum maturity herein authorized shall be calculated from the date on the face of each bond, separately, irrespective of the fact that different dates may be prescribed for the bonds of each separate series or division of any authorized issue.

Maturity

29179. The district may divide any authorized issue into one or more series or division and fix different dates and different maturity dates for the bonds of each series or division.

Series

29180. The district may prescribe the form of such bonds, and of the interest coupons attached

Form

thereto. Bonds shall be signed by the president of the board (or such other member of the board as the board shall by resolution designate) and countersigned by the secretary of the district and the seal of the district shall be affixed thereto. The interest coupons on said bonds shall be numbered consecutively and signed by the treasurer of said district. The signature on all coupons and one signature on the bonds may be engraved, lithographed, or printed facsimile signature. The seal of the district may be affixed to any bond by mechanical reproduction of a facsimile thereof. In case any officer whose signature or countersignature appearing on the bonds or coupons shall cease to be such officer before the delivery of such bonds to the purchaser, such signature or countersignature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until the delivery of the bonds. If the district appoints a registration agent, fiscal agent, or other agent to authenticate bonds, any bond of the district, whether in coupon or registered form, may be signed by the facsimile signatures of the officers of the district with a facsimile seal of the district affixed mechanically or otherwise reproduced thereon, provided that such bond shall be authenticated by the fiscal agent, registration agent, or other agent appointed by the district for that purpose. Any agent appointed by the district to authenticate registered bonds or exchange bonds of different denominations, or coupon bonds for registered bonds, or vice versa, shall be a bank or trust company authorized to transact, and transacting, business in the State of California or the State of New York.

29181. Pending the actual issuance or delivery of bonds, the district may issue temporary or interim bonds, certificates, or receipts, of any denomination whatsoever, with or without coupon, and in such form as may be prescribed by the board, to be exchanged for definitive bonds when ready for delivery.

Interim
bonds

29182. The district may provide that interest on bonds may be paid out of the proceeds of the sale of the bonds during the actual construction of any project, for the acquisition, construction, or completion of

Interest
payment

which bonds have been issued, and for a period of not to exceed three years thereafter, as determined by the district.

29183. The district shall provide for the payment of the principal of and interest on the bonds by the levy and collection of taxes upon all property in the district subject to taxation by the district without limitation of rate or amount as provided in Sections 29121 and 29122 of this part, except that such taxes need not be levied to the extent that the district deposits in the treasury set apart for that purpose moneys derived from surplus revenues or any appropriations which may be made to it for that purpose or from any other funds howsoever derived.

Payment by
taxes

29184. Any general obligation bonds which shall be issued under the provisions of this part shall be legal investment for all trust funds; for the funds of insurance companies, banks--both commmerical and savings--and trust companies; and for state school funds; and whenever any money or funds may, by any law now or hereafter enacted, be invested in bonds of cities, cities and counties, counties, school districts, or irrigation districts within the State of California, such money or funds may be invested in the general obligation bonds issued under this part, and whenever bonds of cities, cities and counties, counties, school districts, or irrigation districts within this State may, by any law now or hereafter enacted, be used as security for the performance of any act or the deposit of any public moneys, the said bonds issued under this part may be so used. The provisions of this part shall be in addition to all other laws relating to legal investments and shall be controlling as the latest expression of the Legislature with respect thereto.

Legal
investments

29185-29187. Repealed. Stats.1961, c. 1967, p. 4149, §§ 10-12

Article 3. Issuance and Sale of
General Obligation Bonds

29200. The district may by resolution at any time, or from time to time, provide for the authorization and issuance of any bonds authorized pursuant to this part and for the sale of the whole or any part thereof.

Resolution

29201. Before making a sale of any of the bonds, notice shall be given by publication once a week, for two weeks, in a newspaper of general circulation in the district, if there is one, and no sale shall be held prior to the expiration of 15 days from the first publication of the notice. Copies of such advertisement may be published in any newspaper or financial publication in the United States and copies may be mailed to recognized investment dealers, banks, investing institutions and statistical organizations, together with any related material pertaining to the district and its bonds, but no defect in any such additional publication or failure to mail or failure of any person to receive copies of any such materials so mailed shall affect the validity of the sale.

Notice by
publication

29202. The published notice of sale shall describe the bonds and set forth the terms and conditions of sale. [Amended by Stats 1961 ch 1967 § 14; Stats 1965 ch 311 § 7.]

Contents

Note.--Because this section has been so amended as to amount to a complete revision, no attempt has been made to show the changes made by the amendments.

Article 4. Refunding Bonds

29210. The district may provide for the funding or refunding of outstanding general obligation indebtedness pursuant to this article, if any of the following conditions exist:

Conditions

(a) The district has indebtedness evidenced by bonds, notes, or other evidences of indebtedness which according to their terms are subject to call or payment before maturity.

(b) The district has filed a petition under any bankruptcy law of the United States and refunding of its indebtedness is authorized in the bankruptcy proceedings.

(c) The holder or holders of outstanding indebtedness has consented to exchange such outstanding bonds for refunding bonds bearing a lower rate of interest than such outstanding bonds.

29211. The district by a two-thirds vote of the board may fund or refund its general obligation indebtedness at, after, or before maturity and issue

Refund
indebt-
edness

refunding bonds of the district to refund the indebtedness evidenced by such outstanding securities.

29212. Refunding general obligations may be issued and may be sold in accordance with the provisions set forth in Articles 2 and 3 of this chapter, except that no election need be called or held for the purpose of authorizing the issuance of refunding bonds and such refunding bonds may be sold and the proceeds thereof applied to the redemption of bonds of indebtedness or may be exchanged at not less than their par value for the evidences of indebtedness to be refunded.

Issuance
and sale

29213. Refunding bonds issued pursuant to this article will have the same weight and force and may be used in the same manner as the bonds to be refunded.

Effect

29214. The proceeds of any sale of refunding bonds for cash shall be deposited with the treasurer or depository, as determined by the district, to the credit of the Funding Fund, and applied only to refunding the indebtedness for which the bonds are issued.

Proceeds

29215. Any proceeds of the refunding bonds remaining after the indebtedness has been paid shall be deposited in the fund established for the payment of principal and interest on the refunding bonds and used only for the purpose of paying such principal or interest as it matures.

Surplus
proceeds

29216. At the time of making the general tax levy after incurring the bonded indebtedness and annually thereafter until the refunding bonds are paid or until there is a sum in the treasury set apart for that purpose sufficient to meet all payments of principal and interest on the bonds as they become due, the district shall levy and collect a tax sufficient to pay the interest on the bonds and such part of the principal as will become due before the proceeds of the next general tax levy will be available.

Taxes

29217. If the earliest maturity of the refunding bonds is more than one year after the date of issuance, the board shall levy and collect annually a tax sufficient to pay the interest as it falls due and to constitute a sinking fund for payment of the principal on or before maturity.

Maturity

29218. The taxes shall be levied and collected as other district taxes, and are in addition to all other taxes. They shall be used only for the payment of the bonds and interest thereon.

Tax
proceeds

29219. Refunding bonds may be issued in a principal amount sufficient to provide funds for (a) the payment of the principal of and interest on the bonds, notes or other evidences of indebtedness to be refunded; (b) all expenses incidental to the calling, retirement or payment of the outstanding bonds, notes or other evidences of indebtedness and the issuance of refunding bonds including the difference in amount between the par value of the refunding bonds and any amount less than par; (c) any amount necessary to be made available for the payment of interest upon the refunding bonds from the date of their delivery to the date of maturity or payment of the bonds, notes or other evidences of indebtedness to be refunded out of the proceeds of sale or the date upon which the bonds, notes or evidences of indebtedness to be refunded will be paid pursuant to call and redemption thereof or pursuant to any agreement with the holders thereof for the refunding or exchanging of such bonds, notes or other evidences of indebtedness; and (d) the premium if any necessary to be paid in order to call and retire the outstanding bonds, notes or other evidences of indebtedness to be refunded. Refunding bonds may be exchanged at not less than their par value and accrued interest for outstanding bonds, notes or other evidences of indebtedness to be refunded thereby.

Principal
amount

29220. When sufficient money is in the Funding Fund to redeem one or more outstanding past due bonds, notes or other evidences of indebtedness, or to redeem one or more of the outstanding bonds, notes or other evidences of indebtedness, which are subject to call or payment before maturity, and which are proposed to be funded or refunded, the treasurer shall publish a notice that he is prepared to pay the bond, note or other evidence of indebtedness (giving its number, if any). The notice shall be published once a week for two weeks in a newspaper of general circulation in the district, if there is one. Copies of such advertisement may be published in any newspaper or financial

Redemption

publication in the United States. If the bond, note or other evidence of indebtedness to be called for redemption or refunded is not presented for redemption on or before the date specified for redemption, as set forth on the face of such outstanding bond, note or other evidence of indebtedness, interest thereon shall cease.

29221. At the same time, the treasurer shall deposit in the post office a copy of the notice, enclosed in a sealed envelope, postage prepaid, addressed to the registered owner of any such bond, note, or other evidence of indebtedness, registered pursuant to this part, whose address appears upon the record in the treasurer's office. If the bond, note, or other evidence of indebtedness is not presented within the time specified in the notice, the interest upon it ceases and the amount due shall be set aside for the payment when presented.

Notice of
redemption

29222. When any outstanding bonds, notes, or other evidence of indebtedness are surrendered and paid, the treasurer shall cancel them by endorsing on their faces the amount for which they are received, "Canceled," and the date of cancellation.

Cancellation

29223. The treasurer shall keep a record of bonds, notes, or other evidences of indebtedness redeemed, and report the redemption to the board. [1] At the end of each month in which there has been a redemption, a report thereof shall be made accompanied by the bonds, notes, or other evidence of indebtedness which have been taken up and canceled or by a certificate of their destruction by any bank or trust company appointed by the board as fiscal agent or paying agent for such bonds, notes, or other evidences of indebtedness and authorized to destroy bonds, notes, or coupons, or other evidence of indebtedness upon payment thereof. [Amended by Stats 1965 ch 311 § 8.]

Record

1. Deleted: "The report shall be made at least once a month, and shall be accompanied by the bonds, notes, or other evidence of indebtedness which have been taken up and canceled."

29224. Any money remaining in the Funding Fund, after all outstanding bonds, warrants,

Surplus
money

judgments, notes, or other evidences of indebtedness proposed to be refunded have been taken up and canceled, shall be deposited in the fund established for the payment of principal and interest on the refunding bonds and used only for paying such principal or interest as they mature.

29225. Refunding of revenue bonds of the district may be accomplished in the manner provided by the Revenue Bond Law of 1941,¹ all of the provisions of which are hereby made applicable to the district.

Refunding

1. Government Code § 54300 et seq.

Article 5. Temporary Borrowing

29230. The district may borrow money for the purpose of defraying general administrative and preliminary expenses of the district, lawfully incurred, prior to the time moneys to be raised by the first tax levy for the district are available, a sum which shall not exceed five cents (\$0.05) on each one hundred dollars (\$100) of assessed valuation of taxable property in the district at the time the moneys are borrowed, and to evidence such borrowing by notes bearing interest at a rate not to exceed six (6) per centum per annum. The notes shall be payable from the first tax levy made by the district and the tax levy shall contain a sum sufficient to provide for the payment of the notes and the interest thereon. The form of said notes their issuance and sale, will be governed by the applicable provisions referred to in Section 29233. The maturity of said notes shall not exceed two (2) years.

Interim
borrowing

29231. At any time prior to the first receipt by the district of revenues from taxation, the counties within the district may loan any available money to the district for the purposes of organization and operation. Such expenditures shall constitute a proper expenditure of county funds.

County
loan

29232. The treasurers of the counties within the district shall pay into the treasury of the district all funds held by them to the credit of the district.

Payments
by county
treasurers

29233. The district may borrow money in accordance with the provisions of Article 7 (commencing at Section 53820), Chapter 4, Part 1, Division 2, Title 5 of the Government Code, and these sections apply to and govern all such proceedings instituted under this part.

Alternate
method

29234. The district may borrow money in anticipation of the sale of bonds which have been authorized to be issued, but which have not been sold and delivered, and may issue negotiable bond anticipation notes therefor and may renew the same from time to time, but the maximum maturity of any such notes, including the renewals thereof, shall not exceed five years from the date of delivery of such original notes. Such notes may be paid from any moneys of the district available therefor and not otherwise pledged. If not previously otherwise paid the notes shall be paid from the proceeds of the next sale of the bonds of the district in anticipation of which they were issued and if not so paid taxes may be levied for their payment in the same manner as taxes are levied for the payment of general obligation bonds pursuant to Section 29121 until such bonds are issued. Such notes shall not be issued in an amount in excess of the aggregate amount of bonds which the district has been authorized to issue, less the amount of any bonds of such authorized issue previously sold, and also less the amount of other bond anticipation notes therefor issued and then outstanding. The notes shall be issued and sold in the same manner as the bonds. Such notes and the resolution or resolutions authorizing the same may contain any provisions, conditions, or limitations which a resolution of the district authorizing the issuance of bonds may contain.

Borrowing

Article 6. Revenue Bonds

29240. As an alternative procedure for the raising of funds, the district is hereby authorized to issue bonds, payable from revenues of any facility or enterprise to be acquired or constructed by the district, in the manner provided by the Revenue Bond Law of 1941,¹ all of the provisions of which are hereby made applicable to the district, provided however, that no election shall be required in the case of revenue bonds

Revenue
bonds

authorized by the board of directors for the acquisition of equipment such as cars, trolley buses and motor buses and rolling equipment if prior to such authorization a proposition for the issuance of general obligation bonds has been adopted by vote of the qualified electors of the district pursuant to Section 29168; and provided, further, that nothing contained in the Revenue Bond Law of 1941 shall be deemed to restrict the power of the district to levy taxes and use their proceeds for all district purposes within the restrictions established by this part.

1. Government Code § 54300 et seq.

29241. The district is hereby declared to be a local agency within the meaning of the Revenue Bond Law of 1941.¹ The term "enterprise" as used in the Revenue Bond Law of 1941 shall for all purposes of this part include rapid transit facilities and any and all parts thereof and all additions, extensions and improvements thereto and all other facilities authorized to be acquired, constructed or completed by the district under this part. The district may issue revenue bonds under such law for any one or more facilities or enterprises authorized to be acquired, constructed or completed by the district, or in the alternative, may issue revenue bonds under such law for the acquisition, construction and completion of any one of such facilities and also issue bonds payable from assessments in accordance with the procedure provided by this part for any other of such facilities. Nothing in this part contained shall prevent the district from availing itself of, or making use of, any procedure provided hereunder for the issuance of bonds of any type or character for any of the facilities or works authorized hereunder, and all such proceedings may be carried on simultaneously or, in the alternative, as the directors may determine.

Local
agency

1. Government Code § 54300 et seq.

Article 7. Equipment Trust Certificates

29250. The district shall have power to purchase equipment such as cars, trolley buses and motor buses, rolling equipment, and may execute agreements, leases and equipment trust certificates in the forms customarily used by private corporations engaged in the rapid transit business appropriate to effect such purchase and

Equipment
purchases:
Trust
Certificate

leasing of rolling equipment and may dispose of such equipment trust certificates upon such terms and conditions as the board may deem appropriate. All money required to be paid by the district under the provisions of such agreements, leases and equipment trust certificates shall be payable solely from the revenue or income to be derived from the transportation system and from grants and loans as provided in Sections 29080 and 29081 of this part. Payment for such equipment, or rentals therefor, may be made in installments, and the deferred installments may be evidenced by equipment trust certificates payable solely from such revenue or income, and title to such equipment shall not vest in the district until the equipment trust certificates are paid.

29251. The agreement to purchase or lease may direct the vendor or lessor to sell and assign or lease the rolling equipment to a bank or trust company duly authorized to transact business in the State of California as trustee, lessor or vendor for the benefit and security of the equipment trust certificates and may direct such trustee to deliver the rolling equipment to one or more designated officers of the district and may authorize the district to simultaneously therewith execute and deliver an installment purchase agreement or a lease of the equipment to the district.

29252. The agreements and leases shall be duly acknowledged before some person authorized by law to take acknowledgments of deeds and in the form required for acknowledgment of deeds and such agreements, leases, and equipment trust certificates shall be authorized by resolution of the district and shall contain such covenants, conditions and provisions which may be deemed necessary or appropriate to insure the payment of the equipment trust certificates from the revenue or income to be derived from the rapid transit system.

29253. The covenants, conditions and provisions of the agreements, leases, and equipment trust certificates shall not conflict with any of the provisions of any trust agreement securing the payment of bonds, notes or certificates of the district.

Sale, lease, etc.

Acknowledgment

Contents

29254. An executed copy of each such agreement and lease shall be filed in the Office of the Secretary of State, who will be entitled to receive one dollar (\$1) for each such copy filed with him and which filing shall constitute notice to any subsequent judgment creditor or any subsequent purchaser. Each vehicle so purchased or leased shall have the name of the owner or lessor plainly marked on both sides thereof followed by the appropriate words "owner and lessor" or "owner and vendor," as the case may be.

Notice

Article 8. Special Assessment Bonds

29260. In addition to all other powers granted under this part, the district shall have the right to acquire, construct and complete any improvements authorized hereunder by special assessment proceedings. The Improvement Act of 1911¹ and the Improvement Bond Act of 1915² are applicable to the district and the powers and duties conferred by those acts upon the boards, officers and agents of the district; provided, that the improvements authorized to be constructed or acquired by this section are limited to those permitted to be constructed or acquired by the district under the provisions of this part.

Special
assessment
proceedings

1. Streets and Highways Code § 5000 et seq.
2. Streets and Highways Code § 8500 et seq.

29261. An assessment district formed or proposed to be formed under this part, on the acquisition of any property or the construction of any improvement thereby, shall not be subject to any of the provisions of the District Investigation Law of 1933.¹

Exceptions

1. Government Code § 58500 et seq.

29262. An assessment district formed or proposed to be formed under this part, on the acquisition of any property or the construction of any improvement thereby, shall not be subject to any of the provisions of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931.¹

Non-appli-
cability
of Majority
Protest Act

1. Streets and Highways Code § 2800 et seq.

Article 9. Reissuance of Bonds, Notes, Coupon or Other Evidence of Indebtedness, Lost, Destroyed, Defaced or Mutilated

29270. If lost or completely destroyed, any bond, note, coupon or other evidence of indebtedness may be reissued in the form and tenor of the lost or destroyed bond, note, coupon, or other evidence of indebtedness, upon the owner furnishing to the satisfaction of the district:

Reissuance:
Loss, etc.

(a) Proof of ownership

(b) Proof of loss or destruction

(c) A surety bond in twice the face amount of the bond, note, coupon, or other evidence of indebtedness, and attached coupons, and

(d) Payment of the cost of preparing and issuing the new bond, note, coupon, or other evidence of indebtedness.

29271. If defaced, mutilated, or partially destroyed, any bond, note, coupon, or other evidence of indebtedness may be reissued in the form and tenor of the defaced or partially destroyed bond, note, coupon, or other evidence of indebtedness, to the bearer, or if registered, to the registered holder, at his expense, on surrender of the defaced or partially destroyed bond, note, coupon, or other evidence of indebtedness, and on such other conditions as the resolution authorizing the reissuance may provide.

Same:
Destruction,
etc.

Article 10. Past Due Bonds

29280. When a bond, note, interest coupon, or other evidence of indebtedness payable from funds in the custody of the treasurer of the district is presented to him for payment and is not paid for want of funds, he shall endorse upon it "Not paid for want of funds," the date of presentation, and a serial number indicating the order of presentation, and shall sign or stamp his name thereon.

Endorse-
ment

29281. Upon receipt of the first money in the treasury applicable to their payment, the treasurer shall set apart the amount necessary to pay the past due bonds, notes, coupons or

Notice

other evidence of indebtedness that have been registered for want of funds. He shall give notice by registered mail to the owner or holder of the registered bonds, notes, coupons, and other evidences of indebtedness, at the address last filed, stating that he is ready to pay for them. The bonds, notes, coupons and other evidences of indebtedness shall be paid from such money, in the order of their registration.

29282. If the registered bonds, notes, coupons, and other evidences of indebtedness are not presented for payment within 30 days from mailing of the notice, the treasurer shall apply the fund set aside to the payment of the unpaid registered bonds, notes, coupons, and other evidences of indebtedness next in order, until all registered bonds, notes, coupons, and other evidences of indebtedness have been called.

Payment

Article 11. General Provisions

29290. All bonds and other evidences of indebtedness issued by the district under the provisions of this part, and the interest thereon, are free and exempt from all taxation within the State of California, except for transfer, franchise, inheritance and estate taxes.

Tax
exemption

29291. An action to determine the validity of bonds or other evidences of indebtedness may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure.

Determining
validity

29292. Any person who, without probable cause, institutes in any court, state or federal, any action or proceeding contesting the validity of the issuance or sale by the district of any bonds or other evidences of indebtedness authorized by this part, and who does not prevail in such action or proceeding, shall be liable in damages to the district, in an amount which will compensate the district for all the detriment proximately caused thereby, or which, in the ordinary course of things, would be likely to result therefrom. He shall also be liable for the costs and attorney's fees paid or incurred in the defense of the action or proceeding. No proceeding of a kind described in this section shall be instituted following the expiration of six months from and after the date

Liability
for action

of the indebtedness involved. The Board of Directors of the District, following a meeting which was held on June 10, 1934, decided to purchase the bonds of the District, and to increase the amount of the bonds provided in 1934.

CHAPTER 9. ANNEXATION OF COUNTIES

Article 1. Annexation Agreement

29500. Any county not included within the boundaries of the district, including a county which has withdrawn from the district pursuant to Chapter 10 of this part, may be annexed thereto in the manner provided in this chapter.

Annexation

29501. The board of supervisors of the county proposed to be annexed shall agree in writing with the board of directors of the district upon the terms and conditions of annexation, which agreement (among other things) may provide for the levy and collection of special taxes within the county in addition to the taxes elsewhere in this part provided for, the fixing of rates, rentals, and charges differing from those fixed or existing elsewhere within the district, the incurring or assumption of indebtedness, or the making of a payment or payments, or the transfer of property, real and personal, and other assets to the district by the county.

Agreement:
Contents

29502. As a condition of annexation, the district shall require any county seeking to annex to the district to reimburse the district for the county's equitable share of the previously incurred cost of financing capital expenditures within the district theretofore imposed by taxation on territory within the district. The amount of reimbursement due from such county shall be computed on the following basis: one-half in the proportion that the population of the county bears to the total population of the district and one-half in the proportion that the assessed value of the real estate of the county bears to the total assessed value of the real estate of the district. Determinations of population shall be made by the district on the latest official information available to it. Determinations by the district as to the amount of capital expenditures shall be conclusive in each case.

Reimburse-
ment

29503. As an alternative method of annexation, a petition may be presented to the board of supervisors of a county proposed to be annexed, signed by qualified electors of the county, in number to at least ten (10) percent of the total

Altern-
ative
method
petition

vote cast at the last general election within the county. The petition shall contain statements and declarations setting forth the reason for annexation. Such petition may be on separate papers, but each paper shall contain the affidavit of the party who circulated it, certifying that each name signed thereto is the true signature of the person whose name it purports to be. The clerk of the board of supervisors of such county shall compare the signatures with the affidavits of registration and certify to the board of supervisors the sufficiency or insufficiency of such petition. If found and certified by the clerk as being sufficient, such petition shall have all the force and effect of a resolution adopted by the board of supervisors of such county.

29504. Upon receipt of a petition pursuant to Section 29503, the board of supervisors shall communicate with the board and negotiate an annexation agreement and hold an election as provided in this part.

Proceedings
on petition

Article 2. Approval by District

29520. The agreement shall become effective and be binding upon the district and the county when approved in the manner set forth in this chapter. The board of directors of the district shall by ordinance setting forth the agreement at length declare its intention of causing it to be executed by the district.

District
ordinance

29521. The ordinance, together with a notice fixing the time and place for hearing thereon, shall be published once in a newspaper of general circulation published in the district. The time fixed for the hearing shall be not less than thirty (30) nor more than sixty (60) days from the date of the publication of the ordinance.

Hearing

29522. At the hearing any person interested may file with the board of directors of the district written objections to the execution of the agreement.

Objections

29523. Upon the hearing the board of directors of the district shall determine whether or not the agreement will be carried into execution and shall hear and determine all objections thereto. Failure of any person

Failure
to show
cause

interested in the district or in the matter of the proposed execution of the agreement to show cause in writing pursuant to Section 29522, constitutes an assent on his part to a change in the boundaries of the district and to the execution of the agreement.

29524. Any hearing on the agreement may be adjourned from time to time by the board of directors of the district without further notice other than an order to be entered upon the minutes of the meeting fixing the time and place of adjournment.

Adjourn-
ment

29525. If no protests are filed or if the protests filed are overruled and denied, the board of directors of the district shall thereupon by resolution finally approve the agreement and authorize its execution, which shall become effective when executed by the county, duly authorized in the manner provided in this chapter.

Approval

29526. When executed by the district the agreement shall be dated and an executed copy filed with the secretary of the district. An executed copy shall also be filed with the clerk of the county to be annexed.

Filing

Article 3. Approval by County

29540. At any time after the board of directors of the district has finally approved the agreement of annexation the board of supervisors of the county to be annexed shall cause an election to be held in the county to determine whether the county will be annexed to the district upon the terms and conditions stated in the agreement.

County
approval

29541. Notice of election shall be published once a week for two successive weeks (two publications) in a newspaper of general circulation published within the district, and shall either state that a copy of the annexation agreement is on file in the office of the clerk of the county proposed to be annexed, and open to the inspection of all persons interested, or set forth the terms and conditions of the agreement of annexation at length, in the discretion of the board of supervisors calling the election.

Election

29542. The ballots for the election shall contain substantially the instructions required to be printed on ballots for use at general state and county elections and in addition shall set forth the proposition of annexation substantially as follows:

Ballots

Shall the County of be annexed to San Francisco Bay Area Rapid Transit District in accordance with and subject to all the terms and conditions of an agreement of annexation dated now on file in the office of the Clerk of County?	YES	
	NO	

29543. If upon a canvass of the election it is found that a majority of all votes cast on the proposition at the election were cast in favor of the annexation, the proposition and all of the terms and conditions of the agreement of annexation shall be deemed carried and approved by the voters.

Canvass

29544. If the proposition fails to carry, the result shall be entered upon the minutes of the board of supervisors of the county.

Disapproval

29545. If the proposition receives the vote of the requisite majority of voters, the board of supervisors of the county shall enter in its minutes an order declaring the result of the election and shall thereupon cause the agreement of annexation to be executed by its duly authorized officers.

Approval

Article 4. Establishment of Annexation

29560. Upon receipt by the district of a copy of the agreement of annexation properly executed by the district and the county proposed to be annexed the board of directors of the district shall pass a resolution declaring the county annexed to the district, and shall cause a certified copy of the resolution to be filed with the Secretary of State. From and after the date of filing of the resolution with the Secretary of State the annexation of the county to the district is complete.

Resolution
declaring
annexation

Article 5. Effect of Annexation

29570. From and after the date of annexation the board of directors of the district shall levy upon all of the property in the county annexed such taxes, tolls, or charges as are necessary to provide funds for the payment of the indebtedness assumed by the county or otherwise necessary to comply with the terms and conditions of the annexation agreement, all in addition to the general district taxes authorized elsewhere in this part to be levied and collected.

Effect

Article 6. Contest of Annexation

29580. The validity of any proceedings for the annexation of any county to the district shall not be contested in any action unless the action is brought within three (3) months after the completion of the proceedings.

Limitation
of action

CHAPTER 10. WITHDRAWAL FROM DISTRICT

29650. Any county, the board of supervisors of which does not approve the reports of the board of directors of the district submitted pursuant to Section 29154 or 29157, may be withdrawn from the district.

Withdrawal

29650.1. In addition to the right of withdrawal of a county as provided in Section 29650, any county may withdraw from the district at any time prior to the date of adoption by the board of a resolution calling a special election to submit to the qualified voters of the district a proposition of incurring a bonded indebtedness as provided in Section 29158, provided the board of directors of the district elects to accept for filing and approves a resolution of withdrawal adopted by the board of supervisors of the county seeking withdrawal. [Added Stats.1962, 1st Ex.Sess., c. 8, p. 158, § 2, effective April 6, 1962.]

29651. Withdrawal from the district shall be by a resolution adopted by a majority vote of the board of supervisors.

Resolution

29652. The withdrawal of any county from the district pursuant to this chapter shall not be effective until the resolution of withdrawal adopted by the board of supervisors is filed with the board of directors of the district.

Effective
date of
withdrawal

29653. The withdrawal of a county pursuant to this chapter does not invalidate any taxes or assessments levied or assessed against any property in the county prior to withdrawal, nor relieve such property of any other financial obligation or debt of the district incurred prior to withdrawal.

Financial
obliga-
tions

29654. Any county which is withdrawn from the district pursuant to this chapter may be subsequently annexed thereto on compliance with the provisions of Chapter 9 of this part.

Reannex-
ation

CHAPTER 10.5. SPECIAL SERVICE DISTRICTS

[Added by Stats 1965 ch 1495 § 1.]

Article 1. Proposal of Formation

29660. One or more special service districts for any of the purposes in which the district is authorized to engage may be created within the boundaries of the district. Such special service districts may consist of one or more cities, with or without unincorporated territory, or unincorporated territory alone. Cities or unincorporated territory included within a special service district may be in the same or separate counties and need not be contiguous. No city shall be divided in the formation of such special service district, but a city may be in more than one special service district formed under this chapter.

Creation of
districts:
Territories
includible

29661. Proceedings for the creation of a special service district may be initiated by resolution of the legislative body or bodies of the city or cities proposed to be included in such special service district and if unincorporated territory is proposed to be included in such special service district by resolution of the board or boards of supervisors of the county or counties in which such unincorporated territory is situated, or if only unincorporated territory is proposed to be included in such special service district, by resolution of the board or boards of supervisors of the county or counties in which such incorporated territory is situated. Such resolution or resolutions shall declare that the public interest or necessity demands the creation of a special service district, shall describe its boundaries and shall request the formation of such special service district. When the entire area of a public agency is to be included in the special service district, it may be described by name. Certified copies of the resolution or resolutions shall be filed with the secretary of the district.

Creation by
resolution

29662. As an alternative to the initiation of proceedings for the formation of a special service district by resolution or resolutions, a petition may be filed with the secretary of the district signed by voters equal in number to at least 25 percent of the registered voters

Creation by
petition

registered within the proposed special service district as determined from the affidavits of registration. The boundaries of the proposed special service district shall be described in the petition; provided, that when the entire area of a public agency is to be included in the special service district, it may be described by name.

29663. The petition shall declare that the public interest or necessity demands the creation of a special service district within the area of the district described in the petition. The petition may include one or more separate documents, but each document shall contain the affidavit of the party who circulated it, certifying that each name signed thereto is the true signature of the person whose name it purports to be.

Contents of
petition

29664. The secretary of the district shall compare the signatures in the petition with the affidavits of registration on file with the county clerk, and he shall certify to the board as to the sufficiency or insufficiency of the petition.

Examination
of petition
by District
Secretary

29665. The following provisions of the Government Code shall not apply to this chapter or any proceeding taken thereunder:

Inapplicable
Government
Code pro-
visions

(a) Chapter 6.6 (commencing with Section 54775), Part 1, Division 2 of Title 5, relating to local agency formation commissions.

(b) The District Investigation Law of 1933 (Chapter 2 (commencing with Section 58500), Division 1 of Title 6).

(c) Chapter 3 (commencing with Section 58850), Division 1 of Title 6, relating to county boundary commissions.

(d) Chapter 3.5 (commencing with Section 58900), Division 1 of Title 6, relating to notice of formation or change in boundaries of districts.

29666. Nothing contained herein shall allow the San Francisco Bay Area Rapid Transit District, or any special service district formed hereunder, to exercise any jurisdiction, taxing, or otherwise,

Lack of
jurisdiction
over with-
drawn terri-
tory

over any territory heretofore withdrawn from the San Francisco Bay Area Rapid Transit District pursuant to Chapter 10 (commencing with Section 29650) of the Public Utilities Code, or never annexed thereto pursuant to Chapter 9 (commencing with Section 29500) of the Public Utilities Code.

Article 2. Hearing

29670. Within 30 days after receipt of the resolution or resolutions of the legislative body or bodies or receipt of the certification of the sufficiency of a petition by the secretary of the district, the board shall by resolution designate the special service district as "San Francisco Bay Area Rapid Transit District, Special Service District No. (here insert number)" (all such special service districts shall be numbered consecutively), shall fix a time and place for a hearing on the proposed creation of the special service district and shall not later than five days after fixing the time and place of hearing publish notice thereof.

Fixing time
and place
for hearing

29671. The notice of hearing shall be published once in a newspaper of general circulation published in the district. The board, in its discretion, may give such additional notice as it deems desirable.

Publication
of notice
of hearing

29672. The time fixed for the hearing shall be not less than ten (10) nor more than thirty (30) days from the date of the publication of the notice.

Time for
hearing

29673. At or before the hearing, any person interested may file with the secretary of the district written objections to the creation of the special service district or to the inclusion of his property therein. Upon the hearing the board shall hear and determine all protests and objections. The hearing may be continued from time to time by the board without further notice other than an order to be entered upon the minutes of its meeting fixing the time and place of the continued hearing.

Filing ob-
jections:
Continuance
of hearing

29674. If no protests are filed or if the protests filed are overruled and denied by the board, the board shall by resolution approve the creation of the special service district and shall

Resolution
of approval
and calling
election

by resolution call an election as provided in Article 3 (commencing with Section 29680).

Article 3. Election

29680. At the time of the approval of the creation of a special service district, the board shall call an election in the territory proposed to be included in the special service district for the purpose of submitting to the voters in such territory the question of whether the special service district shall be created and established.

Purpose
of election

29681. Such election shall be held within 60 days after the board's approval of the creation of the special service district.

Time for
election

29682. The ballot for the election shall contain such instructions as are required by law to be printed thereon and in addition there-to the following:

Contents
of ballot

Shall the "San Francisco Bay Area Rapid Transit District, Special Service District No. (here insert number)" be created and established?

YES	
NO	

29683. No person is entitled to vote at the election unless he is a registered voter residing within the territory proposed to be included in the special service district. The election may be held on the same day as any other state, county or city election and may be consolidated.

Persons en-
titled to
vote: Con-
solidation
with other
elections

29684. The costs of the election required by this article shall be borne by the district.

Costs of
election

29685. The question of the creation of a special service district shall be canvassed separately for each public agency, or portion thereof, in which an election is held, and the board shall order and declare the special service district created in each public agency, or portion thereof, in which an election was held and in which a majority of those who voted upon the proposition of creating the special service district voted in favor of the proposition, and excluding each public agency, or portion thereof, in which an election was held and in which a majority of those who voted upon the

Canvass
of vote

proposition of creating the special service district voted against the the proposition. A certified copy of the resolution declaring the special service district created shall be filed in the office of the Secretary of State, and upon such filing the special service district shall be established.

Article 4. Taxing Subdivision

29690. A special service district has no separate corporate existence, but shall be deemed to be a taxing subdivision of the district, and within each special service district the board may levy and collect or cause to be collected for any lawful purpose in accordance with Chapter 7 (commencing with Section 29120) and Section 29183.

Tax status
of Special
Service
District

Article 5. Bond Election

29700. At any time after the approval by the board of the creation of a special service district, as provided in Section 29674, the board may provide for the submission of a proposition for the incurring of a bonded indebtedness to be incurred by the district on behalf of the special service district to pay the costs of acquiring, constructing or completing the whole or any portion of any transit facilities, or for acquiring any works, lands, structures, rights, equipment, or other property necessary or convenient to carry out the objects, purposes or powers of the district within the boundaries of a special service district created pursuant to this chapter.

Authorized
purposes

29701. The proposition for incurring a bonded indebtedness under Section 29700 may be submitted to the voters at the same election as the proposition to create the special service district held pursuant to Article 3 (commencing with Section 29680), or at an election subsequent to the creation of the special service district.

Elections at
which bond
proposition
may be sub-
mitted

29702. Except as otherwise provided in this chapter, the provisions of Chapter 8 (commencing with Section 29150) relating to general obligation bonds with the exception of Sections 29150 to 29158, inclusive, shall substantially govern as to all matters pertaining to the manner

Bond elec-
tion pro-
cedure

of calling, giving notice and holding the bond election, the execution, issuance, sale, maturity, redemption, refunding and validation of the bonds authorized by this article, the payment of interest from bond funds, the status of the bonds as investments, the reissuance of bonds, notes, coupons or other evidence of indebtedness which have been lost, destroyed, damaged or mutilated, and past due bonds.

29703. Only those registered voters residing within the boundaries of the special service district shall be entitled to vote on the proposition for the incurring of a bonded indebtedness. The favorable vote of three-fifths of all the voters voting on the proposition to authorize the issuance of bonds at the election held pursuant to Section 29701 within the special service district as finally established is required to authorize the issuance of the bonds.

Requisite
favorable
vote

29704. Only the property in the special service district shall be taxable for the payment of the principal and interest on special service district bonds. Until the bonds are paid, taxes shall be levied in substantial compliance with Chapter 7 (commencing with Section 29120) and Section 29183.

Manner in
which taxes
to be levied

29705. Any proceedings denying the validity of the creation of any special service district, or of any bonds authorized by the voters thereof, pursuant to this part, shall be brought within three months after the date upon which the applicable proposition is approved by the voters.

District
and bond
validation
proceedings

Article 6. Annexation

29710. Any territory within the boundaries of the district not included within the boundaries of the special service district to which it is proposed to be annexed, may be annexed thereto in the manner provided in this article; provided that no city shall be divided in the annexation of territory to a special service district.

Division
of city
prohibited

29711. The board shall by resolution determine that the annexation of the territory will facilitate the acquisition or operation of transit facilities for the special service district, describe the territory, declare its intention to annex the territory to the special service district, set forth the terms and conditions upon

Annexation
resolution:
Contents

which the territory shall be annexed, fix the time and place for hearing on the question of the annexation and provide for notice of the hearing.

29712. Any public agency or portion thereof included as part of the territory proposed to be annexed to a special service district pursuant to this article may, by resolution of its legislative body, or a petition of its voters filed with the secretary of the district prior to the hearing on annexation, require the submission of an annexation proposition to the voters of the public agency, or portion thereof. However, no election shall be held if the board, pursuant to Section 29719, excludes from the territory to be annexed the public agency, or portion thereof, proposed to be annexed in accordance with its resolution or petition.

Annexation
election:
When no
election
to be held

29713. The petition for election provided for in Section 29712 shall be signed by voters within any public agency, or portion thereof, included within the boundaries of the territory proposed to be annexed equal in number to at least 10 percent of the registered voters residing within such public agency, or portion thereof. The petition may include one or more documents, but each document shall contain the affidavit of the party who circulated it certifying that each name affixed thereto is the true signature of the person whose name it purports to be.

Petition for
election:
Matters in-
cludible

29714. The secretary of the district shall compare the signatures with the affidavits of registration on file with the county clerk, and shall certify to the board as to the sufficiency or insufficiency of the petition.

Examination
of petition
by District
Secretary

29715. The terms and conditions for the annexation of territory to a special service district may provide, among other matters, for the payment of taxes within the territory to be annexed, in addition to the taxes otherwise provided for in this part, the fixing of rates, rentals, and charges differing from those fixed or existing elsewhere, within the special service district, the making of a payment or payments, or the transfer of property, real and personal, and other assets to the district by the territory proposed to be annexed.

Terms and
conditions
for annex-
ation

29716. Notice fixing the time and place for hearing on the question of the annexation of territory to a special service district shall be published once in a newspaper of general circulation published in the district. The board, in its discretion, may give such additional notice as it deems desirable.	Notice of hearing on annexation
29717. The time of hearing shall be not less than 20 nor more than 60 days from the date of the publication of the notice.	Time of hearing
29718. At or before the hearing, any person interested may file with the secretary of the district written objections to the annexation of the territory to the special service district or to the inclusion of his property. Upon the hearing the board shall hear and determine all protests and objections.	Hearing on objections to annexation
29719. The hearing may be continued from time to time by the board without further notice other than an order entered upon the minutes of its meeting fixing the time and place of the continued hearing. In the event that no protests are filed, or the protests filed are overruled and denied, and no election is to be held, the board shall, by resolution, declare the territory, or a portion thereof, annexed to the special service district.	Continuance of hearing: Procedure when no protests filed, etc.
29719.5. If the board finds that protest has been made, prior to the board's final determination for annexation, by the owners of real property within the area to be annexed the assessed value of which, as shown by the last equalized assessment roll, constitutes more than one-half of the total assessed value of the real property within the area to be annexed, the proceeding shall terminate. The board shall order the proceedings terminated when such protests are received.	Termination of proceedings
29720. From and after the date of filing of the resolution with the secretary of the district, the annexation of the territory, or portion thereof, to the special service district is complete.	Completion of annexation when no protests filed
29721. If an election is required to be held, pursuant to the provisions of Section 29712, the board shall call such election within	Time for calling election:

60 days after the petition or resolution is filed with the secretary of the district; provided that if a general election is to be held within the petitioning public agency within 120 days after the petition or resolution is filed with the secretary of the district, the board may consolidate the election required by this article with the general election.

Permissible
consolidation of
elections

29722. The ballot for the election shall contain such instructions as are required by law to be printed thereon and in addition thereto the following:

Ballot:
Contents
and provisions

Shall territory in (giving name of public agency or portion thereof) be annexed to San Francisco Bay Area Rapid Transit District, Special Service District No. (here insert number)?

YES	
NO	

29723. No person is entitled to vote at the election unless he is a voter of the public agency, or portion thereof, requesting the election. The election may be held on the same day as any other state, county or city election and may be consolidated.

Persons entitled to
vote: Consolidation

29724. The costs of the election required by this article shall be borne by the district.

Costs of
election

29725. The question of the annexation of territory to a special service district shall be canvassed separately for each public agency, or portion thereof, in which an election is held, and the board shall order and declare the territory annexed to the special service district in each public agency, or portion thereof, in which an election is held and in which a majority of those who voted upon the proposition of annexation of territory to the special service district voted in favor of the proposition, and excluding each public agency, or portion thereof, in which an election was held and in which a majority of those who voted upon the proposition of the annexation of territory to the special service district voted against the proposition.

Canvass of
election
results

29726. Upon the completion of the annexation of any territory, in accordance with law, to any city included in a special service district, the city clerk shall file with the secretary of the

Procedure
to complete annexation

district a certified copy of the ordinance, resolution or other document completing said annexation containing a description of the property so annexed. Unless the district within 90 days after such filing shall file with the city clerk the district's written objections to the annexation to the special service district of said territory, such territory shall, upon the termination of such period, be deemed incorporated into and annexed to the special service district, and thereafter is subject to taxation along with the entire territory of the special service district in accordance with the assessable valuation of the property thereof for special service district purposes, and for the payment of any indebtedness theretofore or thereafter incurred by the special service district.

29727. If the district shall file its objections, in the manner provided in Section 29726, to the annexation to a special service district of territory annexed to a city included in a special service district, the territory shall not be annexed to the special service district, except in the manner heretofore provided in the Article 6 (commencing with Section 29710). The district may withdraw such objections by filing with the city clerk a certified copy of a resolution of the board stating that such objections are withdrawn. Thereupon such territory shall be deemed incorporated into and annexed to the special service district, as provided in Section 29726.

District
objections
to annex-
ation

Article 7. Dissolution

29740. A special service district may be dissolved by resolution of the board if any proposition for the incurring of a bonded indebtedness fails to carry, and if the special service district is then subject to no other indebtedness or liability pursuant to this part and has been organized for not less than two years. Dissolution of a special service district shall not prevent subsequent proceedings for the creation of a special service district including the same or any part of the area of the special service district dissolved.

Dissolution
when bond
issue fails
to carry:
Subsequent
proceedings

CHAPTER 11. DISSOLUTION

29750. If district bonds for the acquisition or construction of rapid transit facilities have not been voted by the electors within five (5) years of the creation of the district, the board of directors may call an election for the purpose of submitting to the voters of the district the question of whether the district will be dissolved. Upon the filing with the secretary of the district of a petition signed by voters within the district equal in number to at least twenty-five (25) percent of the total vote cast in the district for all candidates for Governor at the last preceding general election at which a Governor was elected, asking that the question of dissolution of the district be submitted to the voters of the district, the board shall call such an election.

Dissolu-
tion

29751. The election for the purpose of submitting to the voters of the district the question of whether or not the district shall be dissolved shall be held within sixty (60) days next succeeding the date on which it is ordered by the board or on which the petition is filed.

Election

29752. Notice of any election for dissolution, whether called because of the filing of a petition or ordered by the board without petition, shall be published. The date fixed for the election shall not be less than thirty (30) days from the date of the first publication of the notice.

Publica-
tion
of notice

29753. The ballots for the election shall contain substantially the instructions required to be printed on ballots for use at general state and county elections and in addition the following:

Instruc-
tions

Shall the San Francisco Bay Area Rapid
Transit District be dissolved

YES	
NO	

29754. No other notice of the election other than that provided for in this article need be given and no sample ballots need be sent to the voters.

Notice
and
ballots

29755. If upon a canvass of the election it is found that a majority of all votes cast on the proposition at the election were in favor of the dissolution, the dissolution shall be deemed carried and approved by the voters. The board shall meet on Monday next succeeding the election and canvass the votes cast.

Disap-
proval

29756. If a majority of the qualified electors voting at said election vote in favor of such dissolution, the board of directors shall, by resolution entered upon its minutes, declare the district dissolved. A certified copy of said resolution shall be filed with the county and city and county recorders and with the Secretary of State and also with the county and city and county assessors and the State Board of Equalization. Upon the adoption of said resolution, said district shall be dissolved. The board of directors, if dissolution is voted, shall wind up the affairs of the district and pay all indebtedness thereof, and any moneys remaining thereafter shall be paid over to the counties, city and county and cities, in which the district lies, in proportion to the assessed valuation of taxable property in said city and county and cities and in the unincorporated area of the counties included in the district, as shown by the assessment rolls of the city and county and counties last equalized at the date of such dissolution.

Approval

29757. In the event that the proposition for dissolution fails to carry, no subsequent election for the dissolution of the district shall be called until after the expiration of one year from the date of the prior election.

Subsequent
election

III. SAN FRANCISCO-OAKLAND RAPID TRANSIT TUBE

(Article V of Chapter 2, Division 17 of the Streets and Highways Code, as originally added by Chapter 1755, Statutes of 1959)

30770. It is hereby declared to be the policy of the Legislature to take the action necessary to relieve effectively the vehicular congestion on the San Francisco-Oakland Bay Bridge and to thus insure the free-flowing movement of people and goods between the east and the west side of San Francisco Bay and to provide a main link in a system of rapid transit designed to ultimately serve the peoples of the Counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma.

Legislative
declaration

Further, the Legislature finds that the relief of vehicular congestion on the San Francisco-Oakland Bridge can be obtained most efficiently and at the least cost in public funds and with the greatest promotion and accommodation of commerce and navigation through providing an underwater rapid transit tube connecting the east and west sides of San Francisco Bay accommodating facilities for rapid transit which will co-ordinate with and supplement the San Francisco-Oakland Bay Bridge, relieve congestion thereon and make possible the most efficient and economical movement of persons, property and traffic across San Francisco Bay.

30771. As used in this article:

Definitions

(a) "District" means the San Francisco Bay Area Rapid Transit District.

(b) "Rapid transit tube" means a subaqueous tube across San Francisco Bay between the City and County of San Francisco and the County of Alameda, its approaches and fixed transit facilities, including but not limited to ventilation towers and equipment, tracks and electrical distribution, control, lighting and communication systems for the accommodation of rail rapid transit. The San Francisco terminus of the underwater portion of such rapid transit tube shall be located westward of the shoreline of San Francisco Bay as close thereto as may be reasonably

practicable between Howard and Jackson Streets in the City and County of San Francisco. The Alameda County terminus shall be the Southern Pacific mole or as close thereto as may be reasonably practicable.

(c) "Approaches" means all facilities between the aforesaid [1] terminus in Alameda County [a] and the first station thereafter in said county [b] for the discharge of passengers, and all facilities between the aforesaid terminus in the City and County of San Francisco and the easterly end of the passenger platform of the Montgomery Street Station defined as "approaches" in the agreement between the department and the district, dated March 3, 1966 [c].

(d) "Authority" means the California Toll Bridge Authority.

(e) "Department" means the Department of Public Works. [Amended by Stats 1st Ex Sess 1966 ch 165 § 2, effective July 20, 1966.]

- [a] Italicized words preceding [a] added in 1966.
- [b] Italicized words preceding [b] added in 1966.
- [c] Italicized words preceding [c] added in 1966.
- [1] Deleted in 1966: "termini"

30772. The department is authorized and directed to use the sum of seven hundred fifty thousand dollars (\$750,000), or so much thereof as may be necessary, from the Revenue Fund of the San Francisco-Oakland Bay Bridge for engineering work including but not limited to surveys, plans, estimates of costs, specifications and other engineering expenses for the construction of a rapid transit tube.

Engineering
work, rapid
transit tube

No use of such funds shall be made nor construction of the rapid transit tube commenced, however, unless or until the federal law permits the authority to collect tolls upon the existing San Francisco-Oakland Bay Bridge for the purpose of paying the costs of engineering and planning, including the aforesaid engineering expenses, and the construction of such rapid transit tube and the voters of the district have approved the issuance of general obligation bonds as provided for in Section 30775.

It is hereby declared to be the intent of the Legislature that the aforesaid engineering work shall be commenced as soon as the federal law permits the collection of tolls upon the existing Bay Bridge for the aforesaid purpose and that construction of the rapid transit tube shall commence as soon as possible after the completion of the aforesaid engineering work and the approval by the voters of the issuance of general obligation bonds referred to in Section 30775.

30773. The authority and the department shall give full consideration to the recommendations of the district with respect to features of the rapid transit tube including but not limited to the following:

Recommendation
of District

(a) Exact locations of the termini and approaches.

(b) Alignment.

(c) Facilities to be accommodated and installed.

30774. Upon determining the locations of the termini and approaches and the alignment to the satisfaction of the district, the authority shall apply promptly to the appropriate officials of the Federal Government and any other government or agency or instrumentality thereof, or political subdivision for any necessary permission to construct the rapid transit tube.

Federal
permission

30775. The authority shall issue revenue bonds pursuant to the California Toll Bridge Authority Act (Chapter 1 (commencing at Section 30000) of this division) in an amount sufficient to provide funds, which, together with all moneys theretofore advanced by the authority to the district in aid of the financing of the rapid transit tube and the approaches thereto, shall not exceed an aggregate principal amount of one hundred [a][1] eighty million dollars (\$180,000,000) [b] for the construction of the rapid transit tube and the department shall construct the rapid transit tube, [2] it having been determined that prior to November 30, 1963, the voters of the district did approve the issuance of general obligation bonds of the

Issuance of
revenue bonds

district for the construction of a regional rapid transit system [c]. [Amended by Stats 1965 ch 1281 § 1; Stats 1st Ex Sess 1966 ch 130 § 1.]

[a] Italicized words preceding [a] added in 1965.

[b] Italicized words between [1] and [b] added in 1966.

[c] Italicized words between [2] and [c] added in 1966.

[1] Deleted in 1966: "thirty-three million dollars (\$33,000,000)" as added in 1965.

[2] Deleted in 1965: "; but the issuance of revenue bonds shall be contingent upon, and shall be accomplished promptly after, the approval by the voters of the district of a proposition for the issuance of general obligation bonds of the district to finance acquisition or construction of such transit facilities as the board of directors of the district, whose determination shall be final, determines to be the entire regional rapid transit system, other than the rapid transit tube and its approaches, that should be acquired or constructed pursuant to Section 28764 of the Public Utilities Code at the time the rapid transit tube is constructed; provided that said issuance of general obligation bonds shall be in an amount that, combined with any other financing then provided for to the district, will equal at least five hundred million dollars (\$500,000,000)."

30775.5 The department and the district may by agreement provide for the engineering work and construction described in Sections 30772 and 30775 to be done in whole or in part by the district. Such agreement may prescribe the methods of handling the work, the times and manner of transferring funds to the district, the reporting and auditing procedures to be followed by the district and any engineers or contractors engaged by it; may provide for the preparation by the district and approval by the department of estimates of cost to determine the amounts to be raised by the issuance of revenue bonds under the California Toll Bridge Authority Act (Chapter 1 (commencing with Section 30000) of this division) for the project; and may provide for any other matters considered by the parties necessary or desirable to carry out the project as contemplated by this article.

Agreement re:
Engineering
and construction

30776. All the provisions of the California Toll Bridge Authority Act (Chapter 1 (commencing at Section 30000) of this division) applicable to toll highway crossings shall apply to the activities of the department and the authority in connection with the rapid

Use of tube

transit tube insofar as they are not inconsistent with the provisions of this article. The provisions of said act shall not apply to the district and shall not require or permit the fixing of a toll by the department or the authority for the use of the rapid transit tube. The district shall have the sole and exclusive right to the use of the rapid transit tube in the absence of an agreement between the district and any other party for any use by such other party on payment of appropriate compensation to the district.

30777. The authority and the department are authorized and directed to do any and all things pursuant to law necessary to finance, construct and complete the rapid transit tube provided for in this article.

Authorization

30778. (a) The annual tolls and revenues of the San Francisco-Oakland Bay Bridge or so much thereof as may be necessary after provision for the payment in full of all annual costs of [1] operation, insurance and other expenses of the San Francisco-Oakland Bay Bridge, and after payment or provision for payment in full of all the costs of revisions, improvements and alterations referred to in and subject to the limitations of Section 30609, and all of the costs of any project involving the San Mateo-Hayward Bridge, shall be pledged and used to finance and pay for the cost of construction of the rapid transit tube, the construction of additional highway crossings across San Francisco Bay as hereinafter provided, and for such other purposes as may be authorized by law, including but not limited to payment of the principal of, and interest and premiums, if any, on, and provision for security of, the revenue bonds of the authority issued pursuant to this article and the California Toll Bridge Authority Act. The costs of the approaches of the rapid transit tube, including but not limited to the portion of all financing costs attributable to such approaches, shall be reimbursed to the authority by the district, in accordance with Section 29081 of the Public Utilities Code, in equal annual installments of two million five hundred thousand dollars (\$2,500,000) payable December 31, 1971, and each anniversary thereof until paid in full. The district at its option may anticipate any of such installments in whole or in part. No other payments shall be required of the district for the use of the rapid transit tube.

Pledge of tolls
for construction
of tube

(b) Bonds for the construction of the rapid transit tube and additional highway crossings across San Francisco Bay may be authorized and issued as a single issue under a single authorization of the authority, provided that provision is made for the segregation of the funds derived from the proceeds of such bonds so as

to ensure: (1) first the deposit in appropriate funds of the amount hereinabove provided to be applied to the construction of the rapid transit tube and (2) the deposit of the remaining funds to the construction of the additional highway crossings across San Francisco Bay. Any surplus of the funds segregated for construction of the rapid transit tube, as provided herein, shall upon completion of said tube and provision for payment of all costs thereof, subject to the limitation provided in Section 30775, be available for expenditure for the additional highway crossings across San Francisco Bay. In the event the authority shall be authorized to refund any and all bonds issued for the construction of other toll bridges or toll highway crossings of San Francisco Bay and the rivers and streams tributary thereto in the Counties of Alameda, Contra Costa, Marin, Napa, San Mateo, Santa Clara, Solano and Sonoma and the City and County of San Francisco, then and in that event the authority is authorized to issue all of the bonds to be issued for the construction of the rapid transit tube, the additional highway crossings over San Francisco Bay and such refunding bonds in a single authorization, and to pledge to the payment of the principal of and interest on all of such bonds and any provisions for the further security thereof including reserve fund or sinking fund payments or otherwise all of the revenues of all of the bridges of San Francisco Bay and the rivers and streams tributary thereto, including the San Francisco-Oakland Bay Bridge, San Mateo-Hayward Bridge, Dumbarton Bridge, Carquinez Strait Bridges, Benicia-Martinez Bridge and the Richmond-San Rafael Bridge, or any thereof as may be determined by the authority, together with revenues of the additional crossings to be constructed across San Francisco Bay. [Amended by Stats 1965 ch 1281 § 2.]

1. Deleted: "maintenance"

2. Deleted: "over a period to be fixed by agreement between the district and the authority at not less than the estimated period for retirement of said revenue bonds and not longer than the full term of such bonds having the latest maturity. Such reimbursement shall be in equal annual installments or in such installments as may be agreed upon."

30779. Other than the improvement of the San Francisco-Oakland Bay Bridge and the improvement of the San Mateo-Hayward Bridge, the commencement of the construction of the rapid transit tube shall precede the commencement of the construction of any additional crossing of San Francisco Bay, financed in whole or in part by the tolls or revenues of the San Francisco-Oakland Bay Bridge. [1] [2]

Tube precedes
additional
crossings

Revenue bonds to finance the rapid transit tube shall be issued upon such terms that the construction of highway crossings across San Francisco Bay shall not be deferred pending completion of the rapid transit tube. [Amended by Stats 1965 ch 1281 § 3.]

1. Deleted: ", providing, however, that if by November 30, 1963, the voters of the district have not approved the issuance of general obligation bonds of the district for the construction of a regional rapid transit system, the provisions of this section and Section 30775, 30777, and 30778 shall be of no further force or effect."

2. Deleted: "In the event the voters of the district have not approved the issuance of such bonds by November 30, 1963, the accumulated tolls or revenues from the San Francisco-Oakland Bay Bridge shall be used to finance a vehicular crossing of San Francisco Bay from a point south of the San Francisco-Oakland Bay Bridge to an eastern terminus in Alameda County after the completion of the work involved in the improvement of the San Francisco-Oakland Bay Bridge and the improvement of the San Mateo-Hayward Bridge. A portion of such accumulated tolls and revenues may be used to finance engineering studies by the department to determine the most appropriate termini for, and the approaches to, the crossing."

30780. The rapid transit tube shall be repaired, maintained and operated, and insured against such risks and in such amount as the district deems proper by or at the expense of the district.

Repairs,
maintenance,
etc.

30781. The Legislature finds that the rapid transit tube would further the promotion and accommodation of commerce and navigation.

Legislative
declaration

30782. The tube and approaches shall be so located and constructed as to interfere as little as reasonably practicable with the operation and traffic of the San Francisco Port Authority. The San Francisco Port Authority shall be entitled to just compensation for any taking or damage to its interest in property, improvements, betterments or structures caused by such location and construction.

Compensation
for San Fran-
cisco Port
Authority

IV. GENERAL INDEX TO

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT ACT

(Public Utilities Code)

Actions

- generally, 28951
- annexation proceedings, contest of, 29580
- bond validity proceedings, 29186, 29187
- eminent domain, see infra, Eminent domain
- maintained, 28951
- rate proceedings, mandamus in, 29046

Annexation of counties to

- action contesting, 29580
- agreement for, 29500-29504
- capital expenditure reimbursements, 29502
- counties within provisions for, 28602
- county approval, 29540-29545
- election, 29504, 29540-29545
- hearing for, 29521-29524
- limitation of actions for contesting, 29580
- minute entry of election results, 29544, 29545
- notice of proceedings, 29521, 29541
- objections, 29522, 29523
- ordinance, 29520, 29521
- petition for, 29503, 29504
- rates, agreement as to, 29501
- resolutions, 29525, 29560
- results of election, minute entry as to, 29544, 29545
- secretary filing agreement with, 29526
- secretary of state, filing resolution with, 29560
- taxation, 29501, 29570
- validity action, 29580
- withdrawal, annexation after, 29500, 29564
- withdrawn areas, 29500

Appointment

- city selection committees, officers for, 28706
- directors, see infra, Directors
- employees, 28767
- general manager, 28830, 28836
- notices of appointment forwarded by clerk, 28705
- officers, 28811

Arbitration of employment questions, 28850

Attorney, see infra, General Counsel

Audit

- generally, 28769
- annual audit required, 28769
- general manager installing system for, 28834

Auditor, county

- tax levy, county auditor's duty for, 29125

General Index to San Francisco Bay Area Rapid Transit District Act

Baggage carried, 28505, 29030

Bank depositary, 28818

Bidding, purchases requiring, 28990-28992

Blanketing in employees, 28852

Boards

directors, see infra, Directors

retirement board, see infra, Retirement System

Bonds

generally, 29150-29168

action testing validity of, 29186, 29187

agent for registration of, 29170

amount, 29219

assessed valuation, issuance limited by, 29150

authority for, 29150

bankruptcy provisions, refunding bonds issued after
proceedings under, 29210

banks

purchasing, 29184

serving as registration agent for, 29170

bearer bonds, 29170

budgetary controls prior to issuance of, 28958

cancellation of, 29222

coupons, 29171

date on, 29176

default, 29280-29282

denomination of, 29171, 29172, 29219

destruction of, 29270, 29271

duration of, 29159

election, 29158-29168

engineer's reports for project financed by, 29151, 29152

estimate of costs for projects prior to issuance of, 29152

exchange of refunding bonds, 29219

exemption from taxation, 29185

facsimile signature, authorization for, 29180

feasibility declaration prior to issuance of, 29153

form of, 29170, 29180, 29181

insurance companies investing in, 29184

insurance requirements, 28975

interest on, 29159, 29173, 29182, 29183

interim bonds, 29181

investments authorized, 29100, 29184

limitation on issuance of, 29150

limitation on life of, 29178

loss of, 29270

maturity of, 29178, 29179

mutilation of, 29271

nonpayment, 29280-29282

officers giving, 28815

General Index to San Francisco Bay Area Rapid Transit District Act

Bonds (continued)

- overdue bonds, 29280-29282
- past due bonds, 29280-29282
- payment, 29175, 29178, 29280-29282
- place for payment of, 29175
- president of board signing, 29180
- priority for payment of, 29282
- record of redemption, 29223
- redemption, 29220
- redemption prior to maturity, 29174
- refunding bonds, 29210-29225
- registration, 29170, 29172
- reimbursement of advancements after sale of, 29081
- reports on proposed projects, 29152-29154
- resolution for, 29169
- Revenue Bond Law of 1941, applicability of, 29225, 29240, 29241
- revenue bonds, 29240, 29241
- rolling stock leases, bond provisions conflicting with covenants in, 29253
- sale of
 - generally, 29200
 - contents of notice for, 29202
 - notice of, 29201, 29202
 - refunding bonds, 29212
- San Francisco Bay Area Rapid Transit Commission, first sale requiring repayment to, 29160
- school funds purchased with, 29184
- secretary countersigning, 29180
- serial issuance, 29177
- signature on, 29180
- sinking fund bonds, 29177
- special assessment bonds, 29260-29262
- surplus funds, use of, 29224
- taxation, 29183, 29185
- taxes, 29216-29218
- tax levy for, 29121, 29122, 29183
- tenure affecting, 29180
- term of, 29159
- time of effect of ordinance applicable to, 28793
- trust funds invested in, 29184
- validity proceedings, 29186, 29187

Borrowing on temporary basis, 29230-29233

Budgetary controls, 28958

Canvass of proceedings, notices required, 29752, 29754

Citation of provisions, 28500

City and County, San Francisco treated as, 28702

City selection committees

- appointment of officers for, 28706
- directors appointed by, 28732, 28733, 28737-28740

Bonds (continued)
overdue bonds, 1919-1921
paid due bonds, 1919-1921
payment, 1917, 1919, 1920-1922
plans for payment of, 1917
provision of bond sinking, 1920
priority for payment of, 1921
record of redemption, 1919
redemption, 1919
redemption plan for, 1919, 1921
redemption bonds, 1919-1921
registration, 1919, 1921
reimbursement of expenditures after sale of, 1921
reports on proposed projects, 1919-1921
restitution of, 1920
Revenue Bond Act of 1917, application of, 1917, 1920, 1921
revenue bonds, 1919, 1921
rolling stock bonds, and provisions relating to
conversion of, 1921
sale of
generally, 1919
conversion of notes for, 1921
notes of, 1919, 1921
redemption bonds, 1919
and redemption for sale under Commission, 1919
sale regarding redemption of, 1920
actual bonds purchased with, 1920
necessary conditions, 1920
redemption bonds, 1919
sinking fund bonds, 1919
special assessment bonds, 1919-1921
coupon notes, and of, 1920
conversion, 1919, 1921
terms, 1919-1921
for sale of, 1919, 1921
conversion, 1920
sale of, 1919
time of sale of redemption bonds, 1919
terms of bonds, 1919
valuation proceedings, 1919, 1921
provision on conversion bonds, 1919-1921
redemption bonds, 1919
conversion of proceedings, and conversion, 1919, 1921
conversion of proceeds, 1920
conversion of proceeds, 1920
City and County, San Francisco, and, 1920
City and County, San Francisco, and, 1920
City and County, San Francisco, and, 1920
appointment of, 1919, 1921, 1922, 1923-1924
directors appointed by, 1919, 1921, 1922, 1923-1924

General Index to San Francisco Bay Area Rapid Transit District Act

City selection committees (continued)

- expenses for, 28707
- mayor as member of, 28700
- meetings
 - clerk present at, 28705
 - first meeting, 28703
 - notice of, 28704
 - time for, 28703
 - vacancies filled by, 28703
- membership on, 28700
- quorum, 28701, 28703
- resolutions by, 28705
- salary for, 28707

Claims for damages, 29060

Collective bargaining, see infra, Labor organizations

Commission, see infra, Public utilities commission

Committees, see supra, City selection committees

Compensation

- county tax services, compensation for, 29130
- eminent domain proceedings, 28955
- salaries, see infra, Salaries

Condemnation, see infra, Eminent domain

Consolidation with other agencies, 28957

Construction of facilities, authority for determining, 28764

Construction of provisions for, 28502, 28502.1

Construction of works, see infra, Works and projects

Contracts

- generally, 28766, 28816, 28970
- insurance, see infra, Insurance
- officers interested in, 28816
- parties to, 28971
- professional services, contracts for, 28768
- purchases, 28990-28992
- statutory provisions applicable to, 28816
- United States as party to, 28971

Controller

- appointment and removal, 28811
- qualifications, 28810

Counties

- annexation of, see supra, Annexation of counties
- auditor, duties of, 29125
- temporary loans from, 29231, 29232
- withdrawal by, see infra, Withdrawal from

Covenants authorized for rolling stock leases, 29252, 29253

Creation of, 28600

Default on obligations, 29280-29282

Delegation of powers by, 28773

Destruction of securities held, 29270, 29271

General Index to San Francisco Bay Area Rapid Transit District Act

Devise property acquired by, 29010

Directors

- appointment of, see appropriate lines this group
- city selection committees appointing, 28732, 28733, 28737-28740
- defined, 28508
- elector, qualification requirements as to, 28731
- expenses for, 28741
- first board appointed, 28732
- government vested in, 28730
- implied powers of, 28763
- meetings of
 - generally, 28742
 - action taken, 28793
 - place for, 28742
 - public attending, 28790
 - quorum for, 28791
 - rules governing adoption of, 28792
 - time for, 28742
- oath for
 - generally, 28760
 - administration of, 28774
 - taking of oath, 28760
- officers for, 28761
- other offices held by, 28740
- policy questions determined by, 28762
- population affecting appointment of, 28734
- powers of, see appropriate lines this title
- president, see infra, President
- qualification for, 28731
- rates fixed by, 29038
- re-appointment of, 28740
- residence requirements for, 28731
- resolution for appointment of, 28738
- salary for, 28741, 28761
- second appointment, 28733
- secretary, see infra, Secretary
- tenure of, 28733, 28737, 28739
- time limitation for appointment of, 28735, 28736
- vacancies, 28739
- vice president, see infra, Vice president

Dissolution

- canvass of returns, 29755
- debts paid, 29756
- election, 29750-29755, 29757
- funds distributed, 29756
- notice of election, 29752
- petition, 29750
- resolution, 29756

General Index to San Francisco Bay Area Rapid Transit District Act

Dissolution (continued)

- secretary of state, filing resolution with, 29756
- winding up business, 29756

District defined, 28503

District Investigation Law of 1931, applicability of, 29261

Documents, resolution for destruction of, 29011

Elections

- annexation authorized, 29504, 29540-29545
- bond elections, 29158-29168
- bond issuance, 29158-29168
- directors, electors serving as, 28731
- dissolution proceedings, 29750-29755, 29757
- general elections, consolidation with, 29161
- ordinance, effective date of, 28793
- referendum, 28793
- retirement board members, 28910
- time of keeping polls, 29167

Emergency expenditures, 28992

Emergency periods, purchases in, 28992

Eminent domain

- acquisition of property by, 29010
- damages, 28953
- evidence of necessity for taking, 28954
- exercising powers of, 28953
- highways, reservations for, 28956
- jurisdiction of proceedings, 28955
- prosecution of proceedings, 28953
- public utilities commission, compensation determined by, 28955
- relocation of property, 28953
- reservations, entitlement to, 28956
- resolution adopted, 28954
- roads, reservations for, 28956
- salvage value paid, 28953

Employees

- appointment of, 28767
- blanketing in, 28852
- gifts accepted by, 28816
- interest in contract, 28816
- labor organizations, see infra, Labor organizations
- misdemeanors, 28816
- personnel system for, 28767, 28834
- professional services contracted for, 28768
- removal of, 28834
- retirement, see infra, Retirement system
- stock ownership as interest in contract, 28816
- transferred personnel, 28852

Engineers report on proposed project, 29151, 29152

Epidemics, emergency expenditures during time of, 28992

General Index to San Francisco Bay Area Rapid Transit District Act

Equipment trust certificates, 29250-29254

Estimate of costs for projects, 29152

Expenses

- city selection committees, 28707

- directors, 28741

Facilities, see infra, System maintained

Fare, see infra, Rates

Financial report required, 28770, 28834

Fires, emergency expenditures during time of, 28992

Floods, emergency expenditures during time of, 28992

Forfeiture of office, see infra, Removal from office

Formation of, 28600

Funding fund, deposits credited to, 29214

Funds

- generally, 28772

- application of excess over budget amount, 29126.1

- budgetary controls, 28958

- depository for, 28818

- dissolution proceedings, funds distributed on, 29756

- investment of, see infra, Investments

- rates, funds derived from, 29038

- retirement fund control, 28913

- retirement system, 28871

- tax levy for funds, 29121-29122

- treasurer as custodian of, 28817

- warrants on, 28817

General Counsel

- generally, 28810

- appointment of, 28811

- attorney, 28810

- officer, classification as, 28810

General Manager

- alternate, 28817

- appointment of, 28811, 28830-28836

- approval for payment of obligations by, 28771

- construction of facilities by, 28834

- disciplining officers, 28834

- employees appointed by, 28767

- financial report prepared by, 28834

- meetings attended by, 28835

- officer classification as, 28810

- operation of facilities by, 28834

- ordinances enforced by, 28834

- personnel system administered by, 28834

- plans prepared by, 28834

- qualifications for, 28831

- removal of, 28833

- removal of employees by, 28834

- residence requirements, exemption from, 28832

- salary of, 28830, 28833

- warrants signed by, 28817

General Index to San Francisco Bay Area Rapid Transit District Act

Gift, acquisition of property by, 29010

Group insurance maintained by, 28871

Hearings

- generally, 28773

- annexation proceedings, 29521-29524

- general manager, removal of, 28833

- projects proposed, hearing on, 29155

- rate determinations, 29039-29044

Highway reservations, entitlement to, 28956

Implied powers, 28763

Improvement Act of 1911 applicable to, 29260

Improvement Bond Act of 1915, applicable to, 29260

Inclusion of county, see supra, Annexation of counties

Inclusion of territory, 28602

Indebtedness, 29080, 29081

Injury claims, 29060-29062

Insurance

- bond proceedings, insurance requirements determined in, 28975

- bonds purchased by insurance companies, 29184

- group insurance, 28871

- property protection, 28973

- public liability protection, 28975

- retirement funds, group insurance for, 28871

- revenues, protecting against loss of, 28974

Investments

- bonds as authorized investment, 29100

- bonds as legal investment, 29184

- direct purchase of obligations, 29101

- Federal Home Loan Bank Act, obligations issued under, 29100

- municipal obligations, 29100

- National Housing Act, obligations issued under, 29100

- reinvestment, 29102

- retirement fund, 28913

- sale of securities, 29102, 29103

- state obligations, 29100

- United States obligations, 29100

Labor organizations

- generally, 28850

- arbitration board for disputes, 28850

- certification of bargaining agent, 28851

- conciliation service, questions determined by, 28851

Leases

- generally, 29032

- equipment, 29250-29254

- property acquired by, 29010

Levy of tax, 29120

Liens, tax lien, 29131

Loans, 29080, 29081

Loss of securities, 29270

General Index to San Francisco Bay Area Rapid Transit District Act

Maps, resolution for destruction of, 29011

Meetings

- city selection committees, see supra, City selection committees
- directors, see supra, Directors
- general manager attending, 28835
- revision of budget at, 28958

Members, city selection committee, 28700

Merger with other agencies, 28957

Misdemeanors, 28816

Motions, 28793

Notes issued, 29230, 29270, 29271

Notice

- annexation proceedings, 29521, 29541
- city selection committees, meetings by, 28704
- clerk forwarding appointment notices, 28705
- dissolution proceedings, 29752, 29754
- elections, 29163
- payment notice after default, 29281
- purchases, notice of bids for, 28990, 28992
- rate hearing, 29040
- refunding bonds, redeemed prior to maturity, 29220, 29221
- sale of bonds, 29201, 29202

Oaths

- administration of, 28774
- directors, see supra, Directors
- officers taking, 28814

Officers

- appointment of, 28811
- blanketing in, 28852
- bond of, 28815
- consolidation, 28813
- designation of, 28810
- disciplining, 28834
- gifts accepted by, 28816
- interests in contract, 28816
- misdemeanors by, 28816
- oath taken by, 28814
- removal of, 28834
- retirement, see infra, Retirement system
- salaries of, see infra, Salaries
- statutory provisions applicable to, 28816
- stock ownership as interest in contract, 28816
- transferred personnel, 28852

Open market, purchases in, 28991

Ordinances

- generally, 28793
- annexation proceedings initiated by, 29520, 29521
- attestation for, 28796
- enacting clause of, 28795

General Index to San Francisco Bay Area Rapid Transit District Act

Ordinances (continued)

- general manager enforcing, 28834
- publication of, 28794
- retirement system established by, 28873
- signature on, 28796
- time for effect of, 28793

Payment, 29280-29282

Pensions, see infra, Retirement system

Perpetual succession by, 28950

Personal injury claims, 29060

Plans, general manager preparing, 28834

Policy declaration, 28501

Poll hours, 29167

Powers of, see appropriate lines this title

President

- generally, 28761
- bonds signed by, 29180
- officer classification as, 28810
- ordinances signed by, 28796

Property, see appropriate lines this title

Public agency defined, 28509

Publication

- bids, notices for, 28990
- bonds, notices for sale of, 29201
- dissolution notice, 29752
- ordinances, 28794
- rate hearings for, notice 29040

Public utilities commission

- generally, 29047
- bonds, commission repayment by first sale of, 29160
- eminent domain proceedings, jurisdiction of, 28955

Purchases made, 28990-28992

Quorum, 28791

Rapid transit defined, 28505

Rate fixing

- generally, 28766
- effective date of ordinance as to, 28793

Rates

- annexation agreement as to, 29501
- cross examining witnesses, 29042
- decision as to, 29045
- directors fixing, 29038
- evidence, 29041-29044
- examining witnesses on fixing of, 29042
- existence, 29041-44
- findings on, 29045
- funds derived from, 29038
- hearing for, 29039-29044
- intervening parties at hearing for fixing of, 29041

General Index to San Francisco Bay Area Rapid Transit District Act

Rates (continued)

- mandamus, 29046
- reasonable standard for, 29038
- service of findings as to, 29045
- tax levy, 29126, 29127
- tax rate, 29123
- time for hearing on, 29040
- witnesses at hearings for, 29042
- Records, resolution for destruction of, 29011
- Redemption, apportionment of proceeds from, 29129
 - bonds
 - generally, 29290
 - maturity, redemption before, 29174
 - tax redemption apportionment of proceeds from, 29129

Referee, 28775

Refunding bonds, 29210-29225

Regulations by board, 28766

Relocation assistance, 29110-29117

Relocation of structures, 28953

Removal from office

generally, 28811, 28834

general manager, 28833

Reports

engineer's reports, 29151-29152

financial report, 28770-28834

projects, generally, 29152-29154

Resolutions

generally, 28793

annexation approved by district, 29525

annexation established, 29560

approval of projects by supervisors, 29156

bond issuance authorized, 29169

consolidation pursuant to, 28957

county clerk forwarding, 28705

directors, appointment of, 28738

dissolution proceedings, 29756

election pursuant to, 29159

emergencies declared, 28992

eminent domain proceedings pursuant to, 28954

employment positions created by, 28767

general manager, removal of, 28833

payment of demands against district, 28771

project feasibility declared by, 29153

records destroyed, 29011

removal of, 28833

retirement system, 28873

withdrawal of county pursuant to, 29651

Retirement system

actuary's report, 28872

appropriations, 28894

General Index to San Francisco Bay Area Rapid Transit District Act

Retirement system (continued)

- assignment of benefits, 28896
 - attachment of payments, 28896
 - banks, deposit of funds in, 28913
 - benefits, 28890, 28891
 - blanketing in, 28852-28855
 - board
 - election to, 28910
 - eligibility determinations by, 28912
 - fund control by, 28913
 - investments, 28913
 - membership on, 28910
 - modification of allowances by, 28912
 - salary for, 28911
 - tenure, 28910
 - classification of personnel for, 28875
 - compulsory membership in, 28875
 - contributions, 28892-28896
 - death benefits received under, 28870
 - directors establishing 28870
 - execution levied on benefits, 28896
 - funds for, 28871
 - garnishment, benefits exempt from, 28896
 - insurance, 28871
 - investment of funds, 28913
 - ordinances for, 28873
 - prior service as basis for allowance, 28891
 - resolutions for, 28873
 - salaries
 - board compensation for, 28911
 - deductions from, 28893
 - social security, participation in, 28874
 - state employees' retirement system, participation in, 28874
 - transferred employees retaining rights, 28852-28855
 - withdrawal from system, 28895
- Revenue bonds, 29240, 29241
- Revision of budget, 28958
- Roadway reservations, entitlement to, 28956
- Rolling stock, equipment trust certificates on, 29250-29253
- Salary
 - generally, 28767, 28812
 - arbitration as to, 28850
 - city selection committees, 28707
 - county salary fund, compensation for tax services credited to, 29130
 - directors, 28741, 28761
 - general manager, 28830, 28833
 - retirement system deductions, 28893
 - retirement system, see supra, Retirement system

General Index to San Francisco Bay Area Rapid Transit District Act

Sales

- bonds, see supra, Bonds
- securities, 29102, 29103
- tax delinquency, 29120

Salvage value on eminent domain proceedings, 28953

San Francisco bay area defined, 28504

Seal, authority for, 28950

Secretary

- annexation agreement filed with, 29526

- appointment of, 28811

- bonds countersigned by, 29180

- damage claim filed with, 29060

- oath filed with, 28760, 28814

- officer, classification as, 28810

- ordinances attested by, 28796

Secretary of state

- annexation resolution filed with, 29560

- dissolution resolution filed with, 29756

- equipment lease filed with, 29254

- meeting place designated by, 28742

- notice filed with, 28705, 28738

- oath of directors filed with, 28760

Signatures

- bonds, 29180

- ordinances, 28796

- warrants, 28817

Special assessment investigation, limitation and majority
protest act of 1931, applicability of, 29262

Special meeting, revision of budget at, 28958

Special service districts

- generally, 29660-29740

- annexation of territory, 29710-29727

- bond election, 29700-29705

- dissolution, 29740

- elections, 29680-29685, 29700-29705

- formation, proposal of, 29660-29666

- hearing on proposal of formation, 29670-29674

- taxing subdivision, district as, 29690

State

- aid received from, 29081

- contracts with, 28971

- investment in obligations of, 29100

Storms, emergency expenditures during time of, 28992

Subpoenas, 28773

Successor agency succeeding to powers, 28957

Supervisors defined, 28507

System maintained

- bridges used, 29031

- bus lines, 29031, 29035

General Index to San Francisco Bay Area Rapid Transit District Act

System maintained (continued)

- crossings, rights of way for, 29033
- existing facilities, interference with, 29037
- feeder lines, 29035
- freeways, 29031
- inspection of, 29047
- joint use of, 29034
- leases, 29032
- municipalities approving plans for, 29036
- passengers carried, 28505, 29030
- rail lines, 29031
- rates for, see supra, Rates
- recommendations considered, 29036
- state aid for, 29081
- stations, 29031
- streets used, 29031
- underground lines, 29031

Taxation

- alternative method for collection, 29128
- annexation affecting, 29501, 29570
- apportionment, 29128, 29129
- assessments, 29124, 29126
- auditor, duties of, 29125
- bond levy, 29122, 29150
- bonds, 29183, 29185, 29216-29218
- bonds levy of tax for, 29121, 29122
- bonds supported by, 29183
- collection of tax, 28952, 29120, 29124, 29128, 29131
- county compensation for services performed by, 29130
- equalization board, assessments by, 29124
- levy of tax, 28952, 29128
- liens, 29139
- ordinance, effective date of, 28793
- rate of levy, 29123
- rate of tax, 29126, 29126.1, 29127
- sales for delinquency, 29120
- sinking fund, levy for, 29121, 29122
- solvent credits, exemption for, 28506
- temporary loans prior to funds received by, 29230-29233
- validity and application of excess over budget amount, 29126.1
- valuation statement, 29125
- withdrawal by county, 29653

Temporary loans, 29230-29233

Title to leased equipment, 29250

Transfer of funds within budget, 28958

Transportation units operated, see supra, System maintained

Treasurer

- alternate, 28817
- appointment of, 28811

General Index to San Francisco Bay Area Rapid Transit District Act

Treasurer (continued)

- bank depositary chosen by, 28818
- funds kept by, 28817
- officer, classification as, 28810
- redemption bonds kept by, 29223

Trust deposits, 28818

Unions, see supra, Labor organizations

United States

- contracting with, 28971
- investment in obligations of, 29100
- loans from, 29080

Vice president

- generally, 28761
- officer, classification as, 28810
- ordinances signed by, 28796

Wills, acquiring property under, 29010

Withdrawal from

- generally, 28601, 29650, 29650.1
- annexation after, 29500, 29654
- resolution for, 29651
- taxation, effect upon, 29653
- time of, 29652

Witnesses, compelling attendance
of, 28773

Works and projects

- approval by supervisors, 29156, 29157
- benefited areas, determination as to, 28765
- bonds financing, see supra, Bonds
- construction of facilities, authority for determining, 28764
- estimate of costs, 29152
- general manager's powers as to, 28834
- hearing on, 29155
- inspection of, 29047
- necessity determination, 28764
- report on proposed project, 29152-29154
- resolution of feasibility for, 29153
- system maintained, see supra, System maintained by

Zones

- authority for, 28764
- benefit determination, 28765
- establishment of, 28764

GENERAL INDEX TO

SAN FRANCISCO-OAKLAND RAPID TRANSIT TUBE PROVISIONS

(Streets and Highways Code)

Auditing procedures, 30775.5
Bonds, issuance of, 30775, 30779
California Toll Bridge Authority, general authority of, 30777
Construction
 commencement of, 30772
 costs, 30772, 30778
 district, agreement for construction by, 30775.5
 tube and approaches, 30782
Declaration of policy 30770
Definitions
 approaches, 30771
 authority, 30771
 department, 30771
 district, 30771
 rapid-transit tube, 30771
Engineering work, 30772
Findings of legislature, 30770, 30781
Location, 30782
Public Works Department
 authority of, 30777
 exclusive right to use of rapid transit tube, 30776
 repair and maintenance of tube, 30780
Toll highway crossings, 30776
Transfer of funds, 30775.5
Vehicular crossing, use of accumulated tolls or revenues to
 finance, 30779



AFTER

5

U.C. BERKELEY LIBRARIES



C124886703

2000

